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Office of Justice Assistance, Research, and Statistics

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Indexed Legislative History of the "Juvenile Justice Amendments of 1980"

Office of General Counsel

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INDEXED

LEGISLATIVE HISTORY

OF THE

"JUVENILE JUSTICE AMENDMENTS OF 1980"

OFFICE OF GENERAL COUNSEL

OFFICE OF JUSTICE ASSISTANCE, RESEARCH, AND STATISTICS

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

AS AMENDED THROUGH DECEMBER 8, 1980

Table of Contents

		Page
1.	Indexed Legislative History -- "Juvenile Justice and Delinquency Prevention Act of 1974, as amended through December 8, 1980.....	(i)
2.	Compilation of Relevant Legislative History Materials.....	(xvii)
3.	Statement by Senator Dole on Introduction of S. 2434.....	1
4.	Text of S. 2434, as Introduced in the Senate, a Bill to Amend the Juvenile Justice and Delinquency Prevention Act of 1974.....	5
5.	Statement by Senator Bayh on Introduction of S. 2441 and S. 2442.....	11
6.	Text of S. 2441, as Introduced in the Senate, to Amend the Juvenile Justice and Delinquency Prevention Act of 1974.....	21
7.	Text of S. 2442, as Introduced in the Senate, to Amend the Juvenile Justice and Delinquency Prevention Act of 1974.....	33
8.	Senate Judiciary Committee Report on S. 2441.....	43
9.	Senate Debate and Passage of S. 2441, a Bill to Amend the Juvenile Justice and Delinquency Prevention Act of 1974.....	61
10.	Statement by Senator Mathias following Passage of S. 2441 in the Senate.....	71
11.	Text of H.R. 6704, as Introduced in the House, to Amend the Juvenile Justice and Delinquency Prevention Act of 1974.....	75
12.	House Report on H.R. 6704 from the Committee on Education and Labor.....	113
13.	House Resolution 732 Providing for Consideration of H.R. 6704, Juvenile Justice Amendments of 1980.....	195
14.	House Debate and Passage of H.R. 6704, a Bill to Amend the Juvenile Justice and Delinquency Prevention Act of 1974.....	199
15.	Senate Adoption of the House Amendments to S. 2441.....	233
16.	Statement by President Carter upon Signing S. 2441, a Bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974.....	237
17.	Text of the Juvenile Justice and Delinquency Prevention Act of 1974, as Amended through December 8, 1980.....	243

Note on Use of This Document

An index of this nature has certain limitations. Material must be referenced in the index without the advantage of a specific point being at issue. For this reason, the index references may only be the starting point for your research. Often more than one index reference needs to be consulted since issues can arise in more than one context. With this cautionary note in mind, the following general rule of usage is offered:

The general rule of statutory interpretation is that if the statutory language is clear and unambiguous, it means exactly what it says; but if the language is ambiguous, it must be interpreted in accordance with the legislative history. When an ambiguity arises and you have to look to the legislative history, you look first at the committee reports and then at the floor debates. If the issue cannot be resolved by the committee reports and you have to look to the floor debates, you should give more weight to relevant statements by the floor managers of the bill, if you are interpreting provisions that were in the committee bill as reported to the floor. If you are interpreting language that originated as an amendment offered on the floor, you should give weight to the remarks of the author of the amendment and the reaction to it of the floor managers.

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Other Reference Sources

The Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, established a new juvenile justice program within the Law Enforcement Assistance Administration of the United States Department of Justice. The 1974 Act has been amended by the Crime Control Act of 1976, Public Law 94-503, the Juvenile Justice Amendments of 1977, Public Law 95-115, and the Juvenile Justice Amendments of 1980, Public Law 96-509. In addition to this document, the Office of General Counsel has prepared and published a separate index for the legislative history of the 1974 Act and the other amending statutes noted above. These indexes, together with this document, provide a complete reference to the legislative history of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended through December 8, 1980.

INDEX

Juvenile Justice and Delinquency Prevention Act of 1974
As Amended Through December 8, 1980

Title I: FINDINGS AND DECLARATION OF PURPOSE

Section 101(b) - Findings
Introduction to S. 2441 and S. 2442.....14, 16, 18-20
Text of S. 2441.....23, 29, 32
Text of S. 2442.....35
Senate Judiciary Report.....48, 52, 57
Senate Debate of S. 2441.....63, 68
Text of H.R. 6704.....79
House Report on H.R. 6704.....116, 126, 131, 145, 154
House Debate on H.R. 6704.....203, 205-207, 213, 221
Final Text of Bill.....247

Section 101(b) - Additional Findings
House Report on H.R. 6704.....155
Final Text of Bill.....247, 248

Section 102(a) - Purpose
Introduction to S. 2441 and S. 2442.....18
Text of S. 2441.....24
House Report on H.R. 6704.....116, 132, 145, 155
House Debate on H.R. 6704.....203, 207, 221
Final Text of Bill.....248

Section 102(b) - Policy
Text of H.R. 6704.....80
House Report on H.R. 6704.....116, 132, 145, 155
House Debate on H.R. 6704.....203, 205, 207, 221
Final Text of Bill.....248

Section 103 - Definitions
Introduction to S. 2441 and S. 2442.....16, 18-20
Text of S. 2441.....24
Text of S. 2442.....36
Senate Judiciary Report.....48, 57
Senate Debate of S. 2441.....63, 68
Text of H.R. 6704.....80-83
House Report on H.R. 6704.....116, 123, 132, 145, 152, 156-158
House Debate on H.R. 6704.....207, 221, 225,
Final Text of Bill.....249

Title II - JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Part A - Juvenile Justice and Delinquency Prevention Office

Section 201 - Establishment of Office
Introduction to S. 2434.....3
Text of S. 2434.....8
Introduction to S. 2441 and S. 2442.....14-16, 18
Text of S. 2441.....24-26
Senate Judiciary Report.....49, 53, 58

Senate Debate of S. 2441.....63, 65-67, 68
Text of H.R. 6704.....84, 85
House Report on H.R. 6704.....117, 123, 126, 133, 134, 146, 152, 158
House Debate of H.R. 6704.....203-207, 210, 222, 225
Final Text of Bill.....251

Section 202 - Personnel, Special Personnel, Experts and Consultants
Introduction to S. 2441 and S. 2442.....16
Senate Judiciary Report.....58
House Report on H.R. 6704.....124, 152, 159
House Debate of H.R. 6704.....203, 210, 225
Final Text of Bill.....251

Section 203 - Voluntary Service
Introduction to S. 2441 and S. 2442.....16
House Report on H.R. 6704.....159
Final Text of Bill.....252

Section 204 - Concentration of Federal Efforts
Introduction to S. 2441 and S. 2442.....16, 18
Text of S. 2441.....26
Senate Judiciary Report.....50
Senate Debate of S. 2441.....64, 68
Text of H.R. 6704.....85, 86
House Report of H.R. 6704.....117, 124, 147, 152, 159-162
House Debate of H.R. 6704.....207, 210, 222, 225
Final Text of Bill.....252

Section 205 - Joint Funding
Introduction to S. 2441 and S. 2442.....16
House Report on H.R. 6704.....152, 210
House Debate on H.R. 6704.....225
Final Text of Bill.....255

Section 206 - Coordinating Council on Juvenile Justice and Delinquency Prevention (See below)

Section 206(a) - Establishment and Membership
Text of H.R. 6704.....86
House Report on H.R. 6704.....118, 124, 135, 147, 152, 162
House Debate of H.R. 6704.....208, 210, 222, 225
Final Text of Bill.....255

Section 206(b) - Chairman
House Report on H.R. 6704.....124, 153, 163
House Debate of H.R. 6704.....210, 225
Final Text of Bill.....255

Section 206(c) - Function of Council
Introduction to S. 2441 and S. 2442.....19, 20
Text of S. 2442.....37
Text of H.R. 6704.....87
House Report on H.R. 6704.....118, 134, 147, 163
House Debate on H.R. 6704.....208, 222
Final Text of Bill.....255

Section 206(d),(e),(f) - Administrative Provisions
Introduction to S. 2441 and S. 2442.....19, 20
Text of S. 2442.....37
Text of H.R. 6704.....87
House Report on H.R. 6704.....118, 124, 134, 135, 147, 153, 163
House Debate on H.R. 6704.....208, 210, 222, 225
Final Text of Bill.....256

Section 206(g) - Appropriations (See also Section 261(a))
Text of H.R. 6704.....87
House Report on H.R. 6704.....118, 135, 147, 163
House Debate on H.R. 6704.....203, 208, 222
Final Text of Bill.....256

Section 207 - National Advisory Committee for Juvenile Justice and Delinquency Prevention (See below) (This section has been completely revised and is very different from the original Section 207.)

Section 207(a) - Establishment and Membership
Introduction to S. 2441 and S. 2442.....20
Senate Judiciary Report.....58
Senate debate of S. 2441.....64, 68
Text of H.R. 6704.....88
House Report on H.R. 6704.....118, 126, 135, 148, 165
House Debate on H.R. 6704.....203, 208, 222
Final Text of Bill.....256

Section 207(b) - Length of Terms
Introduction to S. 2441 and S. 2442.....19
Text of S. 2442.....37
Text of H.R. 6704.....89
House Report on H.R. 6704.....118, 135, 148, 166
House Debate on H.R. 6704.....208, 222
Final Text of Bill.....256

Section 207(c) - Quorum
Text of H.R. 6704.....90
House Report on H.R. 6704.....119, 148, 166
House Debate on H.R. 6704.....208, 222
Final Text of Bill.....257

Section 207(d) - Duties of Advisory Committee
Text of H.R. 6704.....90
House Report on H.R. 6704.....119, 135, 166
House Debate on H.R. 6704.....208, 222
Final Text of Bill.....257

Section 207(e) - Annual and Interim Reports
Text of H.R. 6704.....91
House Report on H.R. 6704.....119, 135, 148, 166
House Debate on H.R. 6704.....208, 222
Final Text of Bill.....257

Section 207(f) - Staff Personnel
Text of H.R. 6704.....91
House Report on H.R. 6704.....119, 135, 148, 166
House Debate on H.R. 6704.....208, 222
Final Text of Bill.....257

Section 207(g) - Compensation and Expenses
Text of H.R. 6704.....91
House Report on H.R. 6704.....119, 166
House Debate on H.R. 6704.....208, 222
Final Text of Bill.....257

Section 207(h) - Appropriation
Text of H.R. 6704.....92
House Report on H.R. 6704.....119, 135, 148, 167
House Debate on H.R. 6704.....203, 208, 223
Final Text of Bill.....258

Part B - Federal Assistance for State and Local Programs

Subpart 1 - Formula Grants

Section 221 - Authority to Make Grants to States and Local Governments
House Report on H.R. 6704.....167
Final Text of Bill.....258

Section 222 - Allocation
Introduction to S. 2441 and S. 2442.....18
Text of S. 2441.....26
Senate Judiciary Report.....50
Senate Debate of S. 2441.....64, 68
Text of H.R. 6704.....92
House Report on H.R. 6704.....119, 136, 148, 167
House Debate on H.R. 6704.....208, 223
Final Text of Bill.....258

Section 223 - State Plan (See Below)

Section 223(a) - Submission of State Plan Consistent with Safe Streets Act
Introduction to S. 2441 and S. 2442.....18
Text of S. 2441.....27
Senate Judiciary Report.....50
Senate Debate of S. 2441.....64, 66, 68
Text of H.R. 6704.....92
House Report on H.R. 6704.....119, 126, 148, 153, 168
House Debate on H.R. 6704.....204, 208-210, 222, 223, 225
Final Text of Bill.....259

Section 223(a)(1)-(2) - State Plan
House Report on H.R. 6704.....124, 153, 168, 208, 210
House Debate on H.R. 6704.....225
Final Text of Bill.....259

Section 223(a)(3) - Advisory Group
Introduction to S. 2441 and S. 2442.....18
Text of S. 2441.....27
Senate Judiciary Report.....50, 54
Senate Debate of S. 2441.....64, 66, 68
Text of H.R. 6704.....93
House Report on H.R. 6704.....120, 124, 136, 148, 153, 168
House Debate on H.R. 6704.....208-211, 223, 225
Final Text of Bill.....259

Section 223(a)(4) - Consultation with Local Governments
House Report on H.R. 6704.....169
Final Text of Bill.....260

Section 223(a)(5) - Where Funds are to be Expended
House Report on H.R. 6704.....170
Final Text of Bill.....260

Section 223(a)(6) - Local Government Role
House Report on H.R. 6704.....170
Final Text of Bill.....260

Section 223(a)(7) - Equitable Distribution of Assistance
House Report on H.R. 6704.....170
Final Text of Bill.....261

Section 223(a)(8) - Analysis of Local Juvenile Problems, and Coordination of State Programs
Text of H.R. 6704.....95
House Report on H.R. 6704.....120, 136, 149, 170
House Debate on H.R. 6704.....209, 223
Final Text of Bill.....261

Section 223(a)(9) - Private Agency Role - Use of Existing Programs
House Report on H.R. 6704.....171
Final Text of Bill.....261

Section 223(a)(10) - Advanced Techniques
Introduction to S. 2441 and S. 2442.....19, 20
Text of S. 2442.....38
Text of H.R. 6704.....95, 97
House Report on H.R. 6704.....120, 126, 137, 149, 171
House Debate on H.R. 6704.....203, 206, 209, 214, 223
Final Text of Bill.....261

Section 223(a)(11) - Research, Training, Evaluation Capacity
House Report on H.R. 6704.....124, 153, 172
House Debate on H.R. 6704.....210, 225
Final Text of Bill.....262

Section 223(a)(12) - Deinstitutionalization of Status Offenders (Includes Valid Court Order Exception)
Introduction to S. 2441 and S. 2442.....19
Text of H.R. 6704.....98
House Report on H.R. 6704.....121, 124, 149, 153, 172, 190- 191
House Debate on H.R. 6704.....201, 204-206, 209, 210, 215-221, 223, 225, 229-231
Final Text of Bill.....262

Section 223(a)(13) - Separation of Adults and Juveniles
Senate Judiciary Report.....54
Senate Debate of S. 2441.....66, 67
Statement by Senator Mathias.....73
House Report on H.R. 6704.....138-140, 150, 173
House Resolution.....197
House Debate on H.R. 6704.....205, 206, 209, 212
Statement by President Carter.....241
Final Text of Bill.....263

Section 223(a)(14) - Removal of Juveniles from Adult Jails and Lockups
Text of H.R. 6704.....98
House Report on H.R. 6704.....121, 138-140, 150, 153, 173
House Resolution.....197, 198
House Debate on H.R. 6704.....201, 204, 206, 209, 212, 223
Final Text of Bill.....263

Section 223(a)(15) - Monitoring Jails, Detention and Correctional Facilities
House Report on H.R. 6704.....121, 140, 150, 173
House Debate on H.R. 6704.....209, 223
Final Text of Bill.....263

Section 223(a)(16) - Disadvantaged Youth
House Report on H.R. 6704.....173
Final Text of Bill.....263

Section 223(a)(17) - Juvenile Rights, Privacy of Records
House Report on H.R. 6704.....153, 173
Final Text of Bill.....263

Section 223(a)(18) - Employee Protective Arrangements
House Report on H.R. 6704.....125, 173
House Debate on H.R. 6704.....210, 225
Final Text of Bill.....263

Section 223(a)(19) - Fiscal Procedures
House Report on H.R. 6704.....174
Final Text of Bill.....264

Section 223(a)(20) - Non-Supplanting
House Report on H.R. 6704.....153, 174
Final Text of Bill.....264

Section 223(a)(21) - Annual Plan Review
House Report on H.R. 6704.....125, 153, 174
House Debate on H.R. 6704.....211, 225
Final Text of Bill.....264

Section 223(a)(22) - Other Terms and Conditions
House Report on H.R. 6704.....121, 174
House Debate on H.R. 6704.....225
Final Text of Bill.....264

Section 223(b) - Plan Approval by State Criminal Justice Council
House Report on H.R. 6704.....125, 153, 174
House Debate on H.R. 6704.....211, 225
Final Text of Bill.....264

Section 223(c) - Plan Approval by Administrator
Introduction to S. 2441 and S. 2442.....18
Text of S. 2441.....27
Senate Judiciary Report.....50
Senate Debate of S. 2441.....64, 69
Text of H.R. 6704.....98
House Report on H.R. 6704.....121, 127, 140, 150, 174
House Debate on H.R. 6704.....203, 204, 209, 223
Final Text of Bill.....264

Section 223(d) - Non-Conforming State Plan
Introduction to S. 2441 and S. 2442.....18
Text of S. 2441.....28
Senate Judiciary Report.....50
Senate Debate of S. 2441.....64, 69
Text of H.R. 6704.....99
House Report on H.R. 6704.....121, 125, 126, 136, 150, 153, 175
House Debate on H.R. 6704.....209, 211, 224, 225
Final Text of Bill.....265

Subpart II - Special Emphasis Prevention and Treatment Programs

Section 224(a) - Special Emphasis Program Authority of Administrator
Text of S. 2441....28
Senate Judiciary Report....50
House Report on H.R. 6704....175
Final Text of Bill....265

Section 224(a)(1) - New Approaches, Techniques, Methods
House Report on H.R. 6704....175
Final Text of Bill....265

Sction 224(a)(2) - Community-Based Alternatives to Institutionalization
House Report on H.R. 6704....175
Final Text of Bill....265

Section 224(a)(3) - Diversion of Youth from System
House Report on H.R. 6704....175
Final Text of Bill....265

Section 224(a)(4) - Improve Agency Services Capability
House Report on H.R. 6704....175
Final Text of Bill....265

Section 224(a)(5) - Develop Statewide Incentives to Achieve Goals
Text of H.R. 6704....99
House Report on H.R. 6704....122, 150, 175
House Resolution....197
House Debate on H.R. 6704....209, 224
Final Text of Bill....265

Section 224(a)(6) - Model School Programs
House Report on H.R. 6704....125, 153, 176
House Debate on H.R. 6704....204, 211, 225
Final Text of Bill....266

Section 224(a)(7) - Advocacy Activities Aimed at Improving Services to Youth
House Report on H.R. 6704....176
Final Text of Bill....266

Section 224(a)(8) - Programs for Youth Employment
House Report on H.R. 6704....176
Final Text of Bill....266

Section 224(a)(9) - Due Process in Juvenile Justice System
House Report on H.R. 6704....176
Final Text of Bill....266

Section 224(a)(10) - Develop and Support Programs to Further Purposes of Act
Introduction to S. 2441 and S. 2442....20
Text of S. 2442....39
House Report on H.R. 6704....176
House Debate on H.R. 6704....224
Final Text of Bill....266

Section 224(a)(11) - Develop and Implement Programs Relating to Juvenile Delinquency and Learning Disabilities
Introduction to S. 2441 and S. 2442.....20
Senate Judiciary Report.....50, 58
Senate Debate of S. 2441.....64, 69
Text of H.R. 6704.....100
House Report on H.R. 6704.....122, 126, 141, 150, 176
House Debate on H.R. 6704.....203, 204, 209, 213, 224
Final Text of Bill.....256

Section 224(a)(12) - Develop and Implement Programs Relating to Juveniles Who Commit Serious Crimes
Text of S. 2442.....39
Senate Judiciary Report.....52
House Report on H.R. 6704.....126
House Debate on H.R. 6704.....201, 206, 213
Final Text of Bill.....266

Section 224(b) - Minimum Set for Special Emphasis Fund (25%)
House Report on H.R.6704.....176
Final Text of Bill.....266

Section 224(c) - Private Agency Funding (30%)
House Report on H.R. 6704.....176
Final Text of Bill.....266

Section 224(d) - Assistance Shall Be Available to Youth Equitably
Senate Judiciary Report.....52
Text of H.R. 6704.....100
House Report on H.R. 6704.....122, 127, 141, 150, 176
House Debate on H.R. 6704.....203, 209, 224
Final Text of Bill.....266

Section 224(e) - Funds available for Special Needs and Problems in Territories
House Debate on H.R. 6704.....201, 213, 214
Final Text of Bill.....266

Section 225 - Considerations for Approval of Applications
Introduction to S. 2441 and S. 2442.....18
Text of S. 2441.....28
Senate Judiciary Report.....50, 58
Senate Debate of S. 2441.....64, 69
House Report on H.R. 6704.....176
Final Text of Bill.....267

Section 226 - Withholding of Funds
House Report on H.R. 6704.....177
Final Text of Bill.....268

Section 227 - Use of Funds
House Report on H.R. 6704.....178, 192-194
House Debate on H.R. 6704.....201, 211, 224
Final Text of Bill.....268

Section 228 - Payments (See below)
House Report on H.R. 6704.....151

Section 228(a) - Contribution of Money, Facilities, Services
(This subsection was originally subsection (c). The original subsection (a) has been deleted and the original subsection (c) has been redesignated as subsection (a).)
House Report on H.R. 6704.....178
House Debate on H.R. 6704.....214, 224
Final Text of Bill.....269
Deletion of original subsection (a) House Debate on H.R. 6704.....214

Section 228(b) - Method of Payment
(This subsection was originally subsection (d). The original subsection (b) has been deleted and the original subsection (d) has been redesignated as subsection (b).)
House Report on H.R. 6704.....178
House Debate on H.R. 6704.....214, 224
Final Text of Bill.....269

Section 228(c) - Extent of Financial Assistance
(This subsection was originally subsection (e) and has been redesignated as subsection (c).)
Text of H.R. 6704.....101
House Report on H.R. 6704.....178
House Debate on H.R. 6704.....214, 224
Final Text of Bill.....269

Section 228(d) - Indian Tribe or Other Aboriginal Group
(This subsection was originally subsection (f) and has been redesignated as subsection (d).)
Text of H.R. 6074.....101
House Report on H.R. 6704.....178
House Debate on H.R. 6704.....211, 214, 224
Final Text of Bill.....269

Section 228(e) - Reallocation
(This subsection was originally subsection (g) and has been redesignated as subsection (e).)
Text of S. 2441.....28
Senate Judiciary Report.....50, 58
Senate Debate of S. 2441.....64, 69
Text of H.R. 6704.....101
House Report on H.R. 6704.....122, 125, 151, 153, 178
House Debate of H.R. 6704.....209, 214, 224, 225
Final Text of Bill.....269

Section 229 - Confidentiality of Program Records
House Report on H.R. 6704.....179
Final Text of Bill.....269

Part C - National Institute for Juvenile Justice and Delinquency Prevention

Section 241(a) - Establishment of Institute
Text of H.R. 6704.....79, 101
House Report on H.R. 6704.....141, 179
Final Text of Bill.....269

Section 241(b) - Supervision and Direction
House Report on H.R. 6704.....125, 153, 179
House Debate on H.R. 6704.....211, 225
Final Text of Bill.....269

Section 241(c) - Coordination with NIJ
Introduction to S. 2441 and S. 2442.....18
Text of S. 2441.....28
Senate Judiciary Report.....50, 58
Senate Debate of S. 2441.....64, 69
House Report on H.R. 6704.....125, 153, 179
House Debate on H.R. 6704.....211, 225
Final Text of Bill.....270

Section 241(d) - Purpose of Institute
Senate Judiciary Report.....50, 58
Senate Debate of S. 2441.....64, 69
House Report on H.R. 6704.....179
Final Text of Bill.....270

Section 241(e) - Additional Powers of Institute
House Report on H.R. 6704.....179
Final Text of Bill.....270

Section 241(f) - Federal Agencies May Cooperate with Institute
House Report on H.R. 6704.....180
Final Text of Bill.....270

Section 242 - Information Function
House Report on H.R. 6704.....180
Final Text of Bill.....270

Section 243 - Research, Demonstration, and Evaluation Functions
Introduction to S. 2441 and S. 2442.....20
Text of S. 2443.....39
House Report on H.R. 6704.....180
Final Text of Bill.....271

Section 244 - Training Functions
House Report on H.R. 6704.....125, 153, 181
House Debate on H.R. 6704.....211, 225
Final Text of Bill.....271

Section 245 - Institute Advisory Committee
Introduction to S. 2441 and S. 2442.....20
Text of S. 2442.....40
House Report on H.R. 6704.....125, 154, 182
House Debate on H.R. 6704.....211, 226
Final Text of Bill.....272

Section 246 - Annual Report
House Report on H.R. 6704.....125, 154, 182
House Debate on H.R. 6704.....211, 226
Final Text of Bill.....272

Section 247 - Development of Standards for Juvenile Justice
House Report on H.R. 6704.....182
Final Text of Bill.....272

Section 248 - Establishment of Training Program
House Report on H.R. 6704.....125, 154, 182
House Debate on H.R. 6704.....211, 226
Final Text of Bill.....273

Section 249 - Curriculum for Training Program
House Report on H.R. 6704.....125, 154, 183
House Debate on H.R. 6704.....211, 226
Final Text of Bill.....273

Section 250 - Enrollment in Training Program
House Report on H.R. 6704.....125, 154, 183
House Debate on H.R. 6704.....211, 226
Final Text of Bill.....274

Part D - Administrative Provisions

Section 261(a) - Authorized Appropriations
Introduction to S. 2434.....3
Text of S. 2434.....8
Introduction to S. 2441 and S. 2442.....15, 16, 18-20
Text of S. 2441.....29
Text of S. 2442.....40
Senate Judiciary Report.....51, 55, 58
Senate Debate of S. 2441.....64, 66-69
House Report on H.R. 6704.....115, 116, 131, 145, 183
House Resolution.....197
House Debate on H.R. 6704.....203, 204,207, 221
Final Text of Bill.....274

Section 261(b) - Maintenance of Effort
Introduction to S. 2434.....3, 4
Text of S. 2434.....9
Introduction of S. 2441 and S. 2442.....14-16, 18, 20
Text of S. 2441.....29
Text of S. 2442.....40

Senate Judiciary Report.....51, 52, 54, 58, 59
Senate Debate of S. 2441.....64, 66-69
House Report on H.R. 6704.....183
Final Text of Bill.....274

Section 261(c) - Additional (Authority/Powers) of the Administrator
House Debate on H.R. 6704.....211, 224
Final Text of Bill.....274

Section 262(a) - Applicability of Other Administrative Provisions
(The original Section 262 has been eliminated and the current Section 262 is very different from the original.)
Text of H.R. 6704.....102
House Report on H.R. 6704.....122, 151, 184
House Debate of H.R. 6704.....210, 224
Final Text of Bill.....274

Section 262(b) - Relationship of OJARS to OJJDP
Introduction of S. 2441 and S. 2442.....16, 18
Text of S. 2441.....29
Senate Judiciary Report.....51, 59
Senate Debate of S. 2441.....64, 69
Text of H.R. 6704.....102
House Report on H.R. 6704.....122, 134, 151, 184
House Debate of H.R. 6704.....210, 224
Final Text of Bill.....275

Section 263 - Effective Clause
Introduction to S. 2441 and S. 2442.....16, 18
Text of S. 2441.....30
Senate Judiciary Report.....51, 59
Senate Debate of S. 2441.....64, 69
House Report on H.R. 6704.....184
Final Text of Bill.....269

Title III - RUNAWAY AND HOMELESS YOUTH
(This Title is indexed generally, rather than section by section.)

Introduction to S. 2434.....3
Text of S. 2434.....8
Introduction to S. 2441 and S. 2442.....15, 16, 18, 19
Text of S. 2441.....30
Senate Judiciary Report.....51, 55, 59
Senate Debate of S. 2441.....64, 66, 69
Statement of Senator Mathias.....73
Text of H.R. 6704.....79, 103
House Report on H.R. 6704.....123, 126, 127, 142, 145, 151, 184-189
House Debate on H.R. 6704.....203-205, 207, 210, 214, 219, 220, 224
Statement by Representative Ashbrook.....230
Final Text of Bill.....275-280
Statement by President Carter.....241

Related Provisions of Law

Section 17 - Report on Confinement of Juveniles in Adult Jails
House Resolution.....198
House Debate on H.R. 6704.....201, 204, 212, 213, 224
Final Text of Bill.....281

National Institute of Corrections (18 U.S.C. §4351, Chap. 319)
Text of S. 2441.....32
Senate Judiciary Report.....52
Senate Debate of S. 2441.....64
Final Text of Bill.....281-284

Juvenile Delinquency (18 U.S.C. §5031 et seq., Chap. 403)

§5031 - Definitions
Final Text of Bill.....285

§5032 - Delinquency Proceedings in District Courts
Final Text of Bill.....285

§5033 - Custody
Final Text of Bill.....286

§5034 - Duties of Magistrate
Final Text of Bill.....286

§5035 - Detention Prior to Disposition
Final Text of Bill.....287

§5036 - Speedy Trial
Final Text of Bill.....287

§5037 - Dispositional Hearing
Final Text of Bill.....287

§5038 - Use of Juvenile Records
Final Text of Bill.....288

§5039 - Commitment
Final Text of Bill.....289

§5040 - Support
Final Text of Bill.....289

§5041 - Parole
Final Text of Bill.....289

§5042 - Revocation of Parole or Probation
Final Text of Bill.....289

MISCELLANEOUS

History of the Juvenile Justice Act
- Introduction to S. 2441 and S. 2442.....13, 14
- Senate Debate of S. 2441.....65, 67
- House Report on H.R. 6704.....127-131

Purpose of Runaway and Homeless Youth Act
- Introduction to S. 2441 and S. 2442.....15
- Senate Debate of S. 2441.....65

Excerpts from the Annual Report of the Runaway and Homeless Youth Act
- Introduction to S. 2441 and S. 2442.....17, 18

Sections Considered but not Enacted into Law
- Study of Effects of Juvenile Justice System on Native Americans.....49, 55, 58, 64, 66, 68
- Legal Advisor to OJJDP.....14-16, 18, 25, 49, 53, 58, 63, 66, 68
- Carryover of Juvenile Justice Funds to Runaway Youth.15, 16, 18, 29, 53, 58, 66
- Scared Straight Evaluation.....15, 16, 18, 26, 49, 55, 58, 63, 66, 68
- Amendment to Section 261 that funds be used for Interagency Programs and Projects.....20, 41

Purpose of Amendment
- Introduction to S. 2441 and S. 2442.....14, 15
- Senate Judiciary Report.....52

Cost Estimate
- Senate Judiciary Report.....56, 57
- House Report on H.R. 6704.....143-145

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LEGISLATIVE HISTORY

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Public Law 93-415 Approved: September 7, 1974

HOUSE REPORTS: No. 93-1135 accompanying H.R. 15276 (Comm. on Ed. & Labor) and No. 93-1298 (Comm. of Conference).

SENATE REPORTS: No. 93-1011 (Comm. on Judiciary) and No. 1103 (Comm. of Conference)

CONGRESSIONAL RECORD, Vol. 120 (1974):

July 1, H.R. 15276 considered and passed House.

July 25, considered and passed Senate as S. 821.

July 31, S. 821 considered and passed House, amended, in lieu of H.R. 15276.

Aug. 19, Senate agreed to conference report.

Aug. 21, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 37: Sept. 8, Presidential statement.

*

Public Law 94-503 Approved: October 15, 1976

HOUSE REPORTS: No. 94-1155 accompanying H.R. 13636 (Comm. on Judiciary) and No. 94-1723 (Comm. of Conference).

SENATE REPORT: No. 94-847 (Comm. on Judiciary).

CONGRESSIONAL RECORD, Vol. 122 (1976):

July 22,23,26, S. 2212 considered and passed Senate.

Sept. 2, considered and passed House, amended, in lieu of H.R. 13636.

Sept. 30, House and Senate agreed to conference report.

*

Public Law 95-115 Approved: October 3, 1977

HOUSE REPORTS: No. 95-313 (Comm. on Ed. & Labor) and No. 95-542 (Comm. of Conference).

SENATE REPORTS: No. 95-165 accompanying S. 1021 (Comm. on Judiciary) and No. 95-368 (Conference).

CONGRESSIONAL RECORD, Vol. 123 (1977):

May 19, H.R. 6111 considered and passed House.

June 21, considered and passed Senate, amended, in lieu of S. 1021.

July 28, Senate agreed to conference report.

Sept. 23, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 13, No. 41: October 3, Presidential statement.

*

Public Law 96-509 Approved: December 8, 1980

HOUSE REPORT: No. 96-946 accompanying H.R. 6704 (Comm. on Ed. & Labor)

SENATE REPORT: No. 96-705 on S. 2441 (Comm. on Judiciary)

CONGRESSIONAL RECORD, Vol. 126 (1980):

May 20, S. 2441 considered and passed Senate.

Nov. 19, H.R. 6704 considered and passed House.

Nov. 20, Senate adoption of House amendments to S. 2441.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol 16, No. 50: December 15, Presidential statement.

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STATEMENT BY SENATOR DOLE

ON INTRODUCTION OF S. 2434, MARCH 18, 1980

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By Mr. DOLE:

S. 2434. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AMENDMENTS OF 1980

Mr. DOLE. Mr. President, I send to the desk a statement and a bill which I am introducing today with reference to the Juvenile Justice and Delinquency Prevention Act.

The Federal Government has a responsibility to continue its efforts to improve the quality of justice that is available to juveniles in this country. The problem of juvenile delinquency must continue to be dealt with in an effective and meaningful manner if the levels of juvenile crime are to continue their decline.

Federal assistance programs that were designed to prevent and control juvenile delinquency have apparently met with a small degree of success. According to the most recent statistics in 1976, persons under 18 accounted for 25 percent of the total arrests recorded by police nationally and for 42 percent of the arrests for serious crime. In 1978, persons under 18 accounted for 23.3 percent of the total arrests recorded by police nationally and for 40.5 percent of the arrests for serious crime.

This is not of great significance, but it is some decline. And there is interest in this legislation and I hope that it can be considered quickly by the Congress.

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

The Federal Government must continue its leadership role in the coordination of resources to develop State and local programs for the prevention and treatment of juvenile delinquency. Toward this end, I am introducing today legislation that will extend the Juvenile Justice and Delinquency Prevention Act of 1974 through fiscal year 1984. The bill authorizes $125 million in fiscal year 1981 and $125 million in each succeeding year for the programs that are created by this act. In addition, the bill requires that there shall be maintained from appropriations for each fiscal year allotted to each State under title I of the Omnibus Crime Control and Safe Streets Act of 1968, at least, the average percentage of the 3 most recent fiscal years for which figures are available of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments.

MAINTENANCE OF EFFORT

An important aspect of the 1974 Juvenile Justice Act was the "maintenance of effort" provision. That law called for a set aside of 19.15 percent of all Law Enforcement Assistance Administration (LEAA) funding to be reserved for juvenile justice programs. This percentage was based on the ratio of LEAA expenditures for juvenile justice to the agency's total expenditures for fiscal 1971. It is time to carefully reexamine this ratio in the light of experience in its administration.

The Senate version of the Justice System Improvement Act of 1979 provided for the complete elimination of the maintenance of effort provision. The Senator from Kansas' bill does not go that far. Instead it attempts to develop a new formula based on the average percentage of the three most recent fiscal years of the total expenditures made for criminal justice programs by State and local governments.

AUTHORITY OF THE ASSISTANT ADMINISTRATOR

The Office of Juvenile Justice and Delinquency Prevention will remain within the LEAA of the U.S. Department of Justice to administer the provisions of this act.

The Assistant Administrator of LEAA will continue to head the office although he will be under the policy direction and control of the Administrator of LEAA.

Under the Justice System Improvement Act, a new Office of Justice Assistance, Research and Statistics (OJARS) has been established. This new agency plays a coordinative role in Federal efforts to provide assistance to State and local criminal justice agencies, but is not an operational nor policy determining organization. Although these new relationships should be examined in the context of the juvenile justice program, this Senator can see no reason to change the organizational location of the juvenile justice program. S. 2434 seeks only to clarify the relationship between LEAA and OJJDP.

A PRACTICAL APPROACH

It is my hope that by extending the authorization for the Juvenile Justice and Delinquency Prevention Act of 1974, States and local governments, private and public organizations will have the assistance that is necessary to continue the development of practical approaches to the problems of youths that have become involved in the juvenile justice system. Juvenile crime and delinquency prevention must continue to be a top Federal, State, and local priority. It is clear to me that a major cause of this Nation's staggering crime rate is juvenile crime and violence. This legislation is designed to deal with that cause.

Mr. President, I ask unanimous consent that the text of S. 2434 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2434

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980".

AMENDMENT TO AUTHORIZATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended by striking out the period at the end of the first sentence and inserting a comma and the following: "$100,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, and 1984.".

(b) Section 341(a) of that Act (42 U.S.C. 5751(a)) is amended by striking out the period at the end thereof and inserting a comma and the following: "the sum of $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, and 1984.".

AUTHORITY OF THE ASSISTANT ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 3. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by inserting immediately before the period at the end of the second sentence the following: ", under the policy direction and control of the Administrator".

(b) Section 201 (d) of that Act (42 U.S.C. 5611(d)) is amended by striking out "subject to the direction of the Administrator" and inserting in lieu thereof "under the

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policy direction and control of the Administrator".

PERCENTAGE OF TOTAL APPROPRIATIONS EXPENDED FOR JUVENILE DELINQUENCY PROGRAMS

SEC. 4. (a) Section 261 (b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42. U.S.C. 5671) is amended to read as follows:

"(b)(1) In addition to the funds appropriated under subsection (a) of this section, there shall be maintained from appropriations for each fiscal year alloted to each State under title I of the Omnibus Crime Control and Safe Streets Act of 1968, at least that percentage of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments, determined in accordance with paragraph (2).

"(2) The percentage under paragraph (1) shall be the average percentage of the three most recent fiscal years for which figures are available.".

(b) Section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793a) is amended to read as follows:

"MAINTENANCE OF EFFORT

"SEC. 1002. (a) In addition to the funds appropriated under section 261 (a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations under this title for each fiscal year, at least that percentage of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments, determined in accordance with subsection (b).

"(b) The percentage under paragraph (1) shall be the average percentage of the three most recent fiscal years for which figures are available.".

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TEXT OF S. 2434, AS INTRODUCED IN THE SENATE,

A BILL TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY

PREVENTION ACT OF 1974 (DOLE BILL)

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96TH CONGRESS
2D SESSION

S. 2434

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 18 (legislative day, JANUARY 3), 1980

Mr. DOLE introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980".

AMENDMENT TO AUTHORIZATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is

amended by striking out the period at the end of the first sentence and inserting a comma and the following: "$100,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, and 1984.".

(b) Section 341(a) of that Act (42 U.S.C. 5751(a)) is amended by striking out the period at the end thereof and inserting a comma and the following: "the sum of $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, and 1984.".

AUTHORITY OF THE ASSISTANT ADMINISTRATOR OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 3. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by inserting immediately before the period at the end of the second sentence the following: ", under the policy direction and control of the Administrator".

(b) Section 201(d) of that Act (42 U.S.C. 5611(d)) is amended by striking out "subject to the direction of the Administrator" and inserting in lieu thereof "under the policy direction and control of the Administrator".

PERCENTAGE OF TOTAL APPROPRIATIONS EXPENDED FOR JUVENILE DELINQUENCY PROGRAMS

SEC. 4. (a) Section 261(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C 5671) is amended to read as follows:

"(b)(1) In addition to the funds appropriated under subsection (a) of this section, there shall be maintained from appropriations for each fiscal year allotted to each State under title I of the Omnibus Crime Control and Safe Streets Act of 1968, at least that percentage of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments, determined in accordance with paragraph (2).

"(2) The percentage under paragraph (1) shall be the average percentage of the three most recent fiscal years for which figures are available.".

(b) Section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793a) is amended to read as follows:

"MAINTENANCE OF EFFORT

"SEC. 1002. (a) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations under this title for each fiscal year, at least that

percentage of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments, determined in accordance with subsection (b).

"(b) The percentage under paragraph (1) shall be the average percentage of the three most recent fiscal years for which figures are available.".

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STATEMENT BY SENATOR BAYH ON

INTRODUCTION OF S. 2441 AND S. 2442, MARCH 19, 1980

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By Mr. BAYH:

S. 2441. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

By Mr. BAYH (by request):

S. 2442. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes; to the Committee on the Judiciary.

ACCOUNTABILITY, EFFICIENCY, AND VIOLENT JUVENILE CRIME CONTROL FOCUS ON BAYH JUVENILE JUSTICE REAUTHORIZATION BILL

● Mr. BAYH. Mr. President, today I am introducing the Violent Juvenile Crime Control Act of 1980, which is designed to strengthen and stabilize our 6-year congressional commitment to the Juvenile Justice and Delinquency Prevention Act of 1974, (JJDPA) while at the same time mandating that the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has final accountability and responsibility for implementing the Juvenile Justice provisions of this act. The Runaway and Homeless Youth Act is retained and administered by HEW's Youth Development Bureau, Runaway and Homeless Youth Division.

JUVENILE JUSTICE ACT HISTORY

In 1974, the Congress established juvenile crime prevention as the Federal crime priority. The 1974 act was the product of a 4-year bipartisan effort,

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which I was privileged to lead, to improve the quality of juvenile justice throughout the United States and to overhaul the Federal response to juvenile delinquency. The 1974 act was passed by a vote of 88 to 1 in this body.

In 1977, the Congress, by a unanimous vote, reauthorized the Juvenile Justice Act for 3 additional years to stabilize and revitalize our juvenile crime program. The bipartisan nature of this act's support from 1970 to the present is reflected in the act's cosponsors in this body over the years—Mr. Hruska, Mr. Mathias, Mr. Cook, Mr. McClellan, Mr. Fong, Mr. Phillip Hart, Mr. Hugh Scott, Mr. Kennedy, Mr. Thurmond, Mr. Burdick, Mr. Gurney, Mr. Abourezk, Mr. Bible, Mr. Brock, Mr. Case, Mr. Church, Mr. Clark, Mr. Cranston, Mr. Gravel, Mr. Hubert Humphrey, Mr. McGee, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. Randolph, Mr. Risicoff, Mr. Mondale, Mr. Cannon, Mr. Eastland, Mr. Culver, Mr. DeConcini, Mr. Hatfield, Mr. Leahy, Mr. Magnuson, Mr. Matsunaga, Mr. Metzenbaum, Mr. Pell, Mr. Stevens, and Mr. Heinz.

I originally introduced this measure as S. 3148 during the 92d Congress when it received strong support from youth-serving organizations and juvenile delinquency experts around the country. I reintroduced S. 821 on February 8, 1973, and S. 1021 on March 17, 1977.

The Senate Subcommittee to Investigate Juvenile Delinquency of which I was chairman, held extensive hearings that demonstrated the desperate need for this legislation. Expert witnesses, including State and local officials, representatives of private agencies, social workers, sociologists, criminologists, judges, and criminal justice planners testified on the terrible problems of the juvenile justice system which did not provide individual justice, effective help to juveniles, or protection for our communities. In particular, they repeatedly emphasized that large custodial institutions such as reformatories and training schools were nothing more than schools of crime, where juveniles learned the skills of the experienced criminal.

A clear consensus emerged supporting strong incentives for State and local governments to develop community-based programs and services as alternatives to training schools for many youngsters. This consensus was further expressed by the National Advisory Commission on Criminal Justice Standards and Goals which recommended that no new major institutions for juveniles should be built under any circumstances. The Commission provided additional support for the philosophy of the legislation that many delinquents, but especially noncriminal status offenders and neglected or dependent children, who had previously been institutionalized, could be helped successfully in community settings.

State officials testifying before the subcommittee stressed the need for effective, coordinated Federal funding to assist the States in carrying out their efforts to treat juveniles in the community. The former Governor of Massachusetts, the Honorable Francis Sargent and the former Governor of Ohio, the Honorable John Gilligan, were eloquent in describing the urgent need for this legislation. The deputy director of the Kentucky Department of Child Welfare, confirmed the feeling of many State administrators in urging passage of this bill:

> Quite frankly, when I first read the bill and Senator Bayh's comments in the Congressional Record, I wanted to shout "Alleluia," somebody has finally developed a comprehensive piece of legislation that makes sense. It should provide a real opportunity for all of us if we want to be serious about resolving problems facing youthful offenders. I was shocked by the flagrant maltreatment of offenders, by the brutal incarceration of noncriminal runaways and by the bureaucratic ineffectiveness which had marked the grossly inadequate Federal approach to the prevention of delinquency.

During the early 1970's the hearings and investigations in Washington and throughout the country by the Subcommittee to Investigate Juvenile Delinquency (abolished in 1979 with the juvenile jurisdiction transferred to the Subcommittee on the Constitution) led me to two important conclusions.

The first is that our past system of juvenile justice was geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence was overwhelming that the system failed at the crucial point when a youngster first got into trouble. The juvenile who took a car for a joy ride, or vandalized school property, or viewed shoplifting as a lark, was confronted by a system of justice often completley incapable of responding in a constructive manner.

However, during the late 1980's and this new decade, we have begun to build on our past experiences with the act making substantial progress not only at the Federal level, but especially at the State and local level. We intend that the Juvenile Justice Office be an advocate for the families and youth of our States, while at the same time protecting their human, constitutional and legal rights.

THE 1980 AMENDMENTS: THE VIOLENT JUVENILE CRIME CONTROL ACT

Mr. President, the bill I am introducing today extends the Juvenile Justice and Delinquency Prevention Act of 1974 for 5 years. It also specifically delegates all final authority for juvenile justice programs to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). I have long believed that this delegation of authority is a necessary factor in any efficient and coordinated effort to adequately confront the problems of the juvenile justice system. The individual who bears the responsibility for managing this Office and coordinating all Federal juvenile justice programs should also have the authority to carry out that responsibility. Since 1974 the Congress has stressed this fact in conference reports and debate on the floor of both Houses of Congress. In this reauthorization, we will specifically mandate this proper delegation of authority for the Administrator of OJJDP. The bill also requires the appointment of two deputies and one legal advisor to insure that the Administrator of OJJDP will be able to carry out this authority.

Mr. President, one of the primary reasons for my introduction of the original Juvenile Justice Act in 1971 was my concern with the increasing problem of juvenile crime. I have long believed that the best method of controlling violent crime is to prevent it in the first place. If we can take the first-time minor offender and prevent him or her from committing even more serious offenses we will have gone a long way toward controlling our problem with violent offenders. In the same vein, however, I firmly believe that some youthful offenders must be removed from their communities for society's sake as well as their own. The secure incarceration of youthful offenders should be reserved for those youths who commit serious, violent offenses and cannot be handled by other alternatives.

It was shocking for me to learn through our hearings over the past 10 years, that often the juvenile justice system actually incarcerates the nonviolent, noncriminal status offender as well as the neglected and abused child more often than those who are charged with or convicted of criminal offenses. Status and nonoffenders are actually more likely to be detained, more likely to be institutionalized, and once incarcerated, more likely to be held in confinement for longer periods of time than those who are charged with or convicted of criminal offenses.

One of the underlying precepts of the Juvenile Justice Act is to reorder these misplaced policies and priorities. I do believe, however, that the problem of the violent offender should be given an increased focus. These relatively few individuals cause a disproportionate amount of suffering and fear among the adult population.

A major new study by Pennsylvania State University, where 88 percent of 2,000 elderly citizens were surveyed, found that they actually cross the street or change their direction of travel just to avoid teenagers. Elderly persons living in cities are so afraid of teenagers that many remain indoors after 3 p.m. and do not go to senior citizen centers, parks and other places they would normally go.

The study found that 86 percent of the persons surveyed said fear of crime has greatly affected their use of facilities designed for the elderly.

Past surveys have shown that many older people are afraid to leave home after dark, but I was surprised to find that 3 p.m. is now the cut-off time.

About one-fifth of the elderly in the study wanted to be home, indoors, by the time school let out. Nine percent of the elderly in the study had been crime victims within the 12 months before the survey. Most had been robbed or had their homes burglarized. A total of 33 robberies, 22 assaults, and 5 other crimes had been committed against the elderly in the study while they were en route to senior citizen centers.

The amendments I am introducing today are designed to bring increased attention to the violent offender. These amendments, entitled, the "Violent Juvenile Crime Control Act of 1980," would retain the 19.15-percent maintenance of effort provision and at the same time mandate that these funds be

targeted for programs aimed to curb violent crime committed by juveniles. For those offenders who are charged with the violent crimes of murder, forcible rape, robbery, aggravated assault, or arson involving bodily harm this legislation establishes programs to identify, apprehend, speedily adjudicate, sentence, and rehabilitate these individuals in a humane fashion. In addition, this bill would require the Administrator to provide a detailed evaluation of "Scared-Straight" type programs and their potential for rehabilitating juvenile offenders.

VIOLENT JUVENILE OFFENDERS: MYTH OR REALITY?

Mr. President, we are all too familiar with the litany of violence reported daily by the press and the media. We have all heard witnesses testify of their horrible, brutal attacks by young people, including our elderly victims. Noteworthy, however, is the fact that the victims of violent juvenile crime are more likely to be juveniles themselves. The National Advisory Commission on Criminal Justice Standards and Goals reported that:

Victims of assaultive violence in the cities generally have the same characteristics as the offenders: victimization rates are generally highest for males, youths, poor persons and blacks.

Of course, these reports are of little comfort to the frightening numbers of Americans who have personally been victims of violent crimes. An ever-increasing percentage of our citizens—young and old—find their daily lives directly affected by the fear of violence in their communities. Recent polls reveal that half of our citizens are afraid to walk alone at night in their neighborhoods, nearly 20 percent do not feel safe in their own homes and nearly 33 percent of our young people are afraid in their own schools.

RUNAWAY AND HOMELESS YOUTH ACT

Mr. President, one of the key features of our efforts in the juvenile justice area has been the Runaway and Homeless Youth Act.

The Runaway and Homeless Youth Act is designed to provide assistance to States, localities, and nonprofit private agencies to operate temporary shelter care facilities in areas where runaways tend to congregate. These programs, over 167 funded by HEW last year, deal primarily with the immediate needs of runaway youth or otherwise homeless young people in a manner which is outside the traditional law enforcement structure and juvenile justice system.

When the Runaway Youth Act was first passed in 1974, it did not include assistance for homeless youth, or those who are dependent, neglected, and abused. However, the 1977 amendments to the act incorporated homeless neglected and abused youth in the category of those to be assisted under the act. It is my opinion, and those of us in Congress, that there are many young people who have no home from which to run, or who are so abused or neglected that leaving home is a rational alternative. The programmatic focus of the act should continue to reflect these concerns.

There are approximately 1 million runaways each year, with the average age of these youngsters being 15. In addition, in the last few years there have women running away from home. We have also discovered that a growing number of young runaways are forced from their homes by physically abusive and neglectful parents.

The runaway and homeless youth program is designed to offer necessary emergency medical care and counseling for both the young people and their families, so these young people can be helped before they end up incarcerated in juvenile institutions or even, unfortunately in many cases, adult jails.

The cornerstone of the Juvenile Justice/Runaway and Homeless Youth Act is prevention. The Runaway and Homeless Youth Act provisions are directed toward the prevention of juvenile crime, a reduction in the substantial law enforcement problem of communities inundated with runaways, and short-term placement for homeless youth.

VIOLENT JUVENILE CRIME CONTROL ACT: KEY PROVISION TO ASSIST OUR HOMELESS, NEGLECTED, ABUSED AND RUNAWAY YOUNG PEOPLE

Mr. President, a key provision of the amendments I am introducing today, requires that appropriated funds under the Juvenile Justice Act, not obligated, by the end of each fiscal year shall be transferred to programs funded under title III—the Runaway and Homeless Youth Act. Historically the juvenile justice program had a rocky beginning which resulted in its failure to properly obligate its funds, even though the necessary program applications were available to OJJDP. Fortunately, in 1978 the 3-year backlog of funds was obligated and off the Washington desk at the Office of Juvenile Justice. However, within the past year the obligation rate has diminished substantially, with the prospect of a significant carryover. In order to assure that appropriated funds obtained in these belt-tightening times are obligated in a timely manner, my bill will transfer any such carryover to the title III program which, to date, has not experienced such problems.

Mr. President, it is true that the Office of Juvenile Justice is tragically understaffed. By the Department's own survey, the Office should have at least 150 staff in order to carry out this program effectively, efficiently, and with responsibility. But, the necessary staff has not been provided to get the job done. Hopefully, we in Congress will be able to overcome this pitfall.

Violent juvenile crime must be put into perspective. Yet, in no way do I wish to minimize the tragedy and horror experienced by the victims of violent offenses.

Mr. President, the Federal Government can play an important role in delinquency prevention, but not in isolation. Solutions to youth crime cannot be provided exclusively by the Federal Government. These problems will not be solved by simply passing a bill, issuing a report, holding a hearing or signing a law in Washington. The most valuable assets in our efforts to prevent juvenile crime are the family, the church and our schools. Any successful preventive Federal juvenile justice effort must rely heavily on the commitment of interested citizens, community groups, State and local leaders, juvenile court judges, social workers, school personnel, religious leaders and, most importantly, on the family.

It is imperative to keep the legislative process and statutes in this perspective. Legislation is never a solution or cure in itself; it is a framework within which a problem can be attacked. The better the legislation, the better the chance the system will meet and respond appropriately. These amendments are one step in attacking the problem of juvenile crime in a prudent manner. Equitable resources, in relation to our current juvenile population, potential, and expertise must be committed to our juvenile offenders and nonoffenders, if we are to make any gains in addressing these problems in the 1980's.

CONCLUSION

Mr. President, in summary, this bill extends the act for 5 years at $200 million for each of fiscal years 1981 through 1983 and $225 million for each of fiscal years 1984 and 1985; delegates all final authority to the OJJDP Administrator; requires the Administrator to appoint two deputies, and one legal advisor; requires the Administrator to provide a detailed evaluation of "Scared-Straight" programs; increases citizen participation in the operation of the program; retains the 19.15 percent maintenance of effort provision, but mandates that it be spent for programs aimed at curbing violent crimes committed by juveniles; requires the Administrator to implement the maintenance of effort, formula grant, discretionary grant and other initiatives in OJJDP; provides adequate administrative support for the Office; extends the Runaway and Homeless Youth Act for 5 years at $25 million for each of fiscal years 1981 through 1983 and $30 million for each of fiscal years 1984 and 1985, and mandates that any carryover funds from the Juvenile Justice Act be transferred to the Runaway and Homeless Youth Act by January 1 of each subsequent fiscal year.

The Juvenile Justice and Delinquency Prevention Act and these 1980 amendments will provide the stability so vital to the continuation of this congressional initiative. The 5-year extension, with the adequate funding provided, when coupled with full implementation of the provisions of the 1974 and 1977 acts will help address crime's cornerstone in this country—juvenile crime and violence. Although the amounts authorized to date have been very frugal relative to the task of each of the participating States, such resources provided in a stable, continuous fashion will do wonders to achieve the mandate of the 1974 act. As we all know, $100 today is only worth $70 of 4 years ago.

Mr. President, I could not conclude without expressing a debt of gratitude to the numerous private agencies and public groups who have been most actively involved in assisting us with this act and its amendments. If there ever has been a citizen's measure, it is this one. More than 75 organizations—across-the-board philosophically, and

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across-the-country knowing no geographical bounds have participated in these efforts. Without their help we could not have gotten the act passed in 1974, drafted the 1977 provisions, tested the provisions, and developed the necessary support for the 1980 provisions. I ask unanimous consent that the list of organizations endorsing the JJDPA of 1974 be printed in the RECORD.

I urge my colleagues to support this extension and I look forward to working with you and those in the House of Representatives toward our mutual goals.

Mr. President, I ask unanimous consent that the bill, section-by-section analysis, along with a partial list of those who support this act, and a portion of the annual report of the Runaway and Homeless Youth Division at HEW be printed at this point in the RECORD.

Mr. President, today I am also introducing, by request, the administration bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974. I ask unanimous consent that the Vice-President's letter, bill, and sectional analysis be printed following my materials in the RECORD.

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93-415, AS AMENDED IN 1977, PUBLIC LAW 95-115)

American Federation of State, County, and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
AFL-CIO Department of Community Services.
AFL-CIO, Department of Social Security.
American Association of Psychiatric Services for Children.
American Association of University Women.
American Camping Association.
American Federation of Teachers.
American Occupational Therapy Association.
American Optometric Association.
American Parents Committee.
American Psychological Association.
American Public Welfare Association.
American School Counselor Association.
American Society for Adolescence Psychiatry.
Association for Childhood Education International.
Association of Junior Leagues.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.
National Commission on the Observance of International Women's Year Committee on Child Development, Audrey Rowe Colom, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
Boys' Clubs of America.
Boy Scouts of the USA.
Child Welfare League of America.
Family Impact Seminar.
Family Service Association of America.
Four-C of Bergen County.
Girls Clubs of America.
Home and School Institute.
Lutheran Council in the U.S.A.
Maryland Committee for Day Care.
Massachusetts Committee for Children and Youth.
Mental Health Film Board.
National Alliance Concerned With School-Age Parents.
National Association of Social Workers.
National Child Day Care Association.
National Conference of Christians and Jews.
National Council for Black Child Development.
National Council of Churches.
National Council of Jewish Women.
National Council of State Committees for Children and Youth.
National Jewish Welfare Board.
National Urban League.
New York State Division for Youth.
Palo Alto Community Child Care.
Philadelphia Community Coordinated Child Care Council.
The Salvation Army.
School Days, Inc.
Society of St. Vincent De Paul.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ—Board for Homeland Ministries, Division of Health and Welfare.
United Methodist Church—Board of Global Ministries.
United Neighborhood Houses of New York, Inc.
United Presbyterian Church, USA.
Westchester Children's Association.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.
Big Brothers/Big Sisters of America.
National Youth Workers Alliance.
National Council of Juvenile and Family Court Judges.
National Council of Criminal Justice Planners.
Youth Network Council.
American Bar Association.
American Civil Liberties Union.
National Juvenile Law Center.
National Coalition for Children's Justice.
Children's Express.
Children's Defense Fund.
Coalition for Children and Youth.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that the Act shall be cited as the "Violent Juvenile Crime Control Act of 1980."

Section 101 amends Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 to add an additional declaration of purpose. The new section 101(a)(8) adds a Congressional declaration of purpose that the justice system should give additional attention to the problem of violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation.

Section 102(a) repeals paragraphs (4) and (5) of section 103 which are no longer pertinent.

Section 102(b) amends section 103(7) to list additional territories that qualify as "States" eligible for funding under the Act.

Section 102(c) amends section 103(9), a technical amendment.

Section 201 amends Title II, Part A of the Act in three ways:

(1) It delegates all final authority to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

(2) It requires the Administrator of OJJDP to appoint the two statutory Deputies, as well as the newly created Legal Advisor.

(3) It requires the Administrator of OJJDP to provide a detailed evaluation of "Scared-Straight"-type programs to the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor, by December 31, 1980.

Sections 202 and 203 amend Title II, technical amendments.

Sections 204 and 205 amend Title II, Part B, Subpart I related to block grant Federal Assistance for State and Local Programs, technical amendments.

Section 206 Amends Title II, Part B, Subpart II related to discretionary grant Federal Assistance for Priority Juvenile Prevention and Treatment Programs, technical amendments.

Sections 207 and 208 amend sections 225 (b)(5), (6), and (8) to increase citizen participation in the operation of the program.

Sections 209 and 210 amend section 228 (g) and 241(c), technical amendments.

Section 211 amends Title II, Part D, Administrative Provisions, in four ways:

(1) It provides a five-year authorization with an appropriation level of $200 million for each of fiscal years 1981, 1982 and 1983 and $225 million for each of fiscal years 1984 and 1985, section 261(a).

(2) It requires that appropriated funds not obligated by the end of each fiscal year shall revert to programs funded under the Runaway and Homeless Youth Act, by January 1 of the next fiscal year, section 261(a).

(3) It requires that maintenance of effort funds, 19.15% of the total appropriation of Title I of the Justice System Improvement Act, shall be targeted for programs aimed to curb violent crimes committed by juveniles, namely: murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation, section 261(b).

(4) It requires the Administrator of OJJDP to implement and be responsible for section 261(b).

Section 212 amends section 262, to provide adequate administrative support for the Office.

Section 213 amends section 263 to require that amendments made by the Violent Juvenile Crime Control Act of 1980 shall take effect on the date of enactment.

Sections 301, 302 and 303 amend Title III of the Act to reflect the 1977 Act's homeless youth program authority.

Section 304 amends section 311 to authorize the Secretary to make grants to link runaway and homeless youth with their families and service providers through the use of a National hot-line telephone network.

Sections 305 and 306 amend sections 312 (a), (b)(5) and section 315(1) to reflect the 1977 Act's homeless youth program authority.

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Section 307 amends Title III, Part D, Authorization of Appropriations, to provide a five-year authorization with an appropriation level of $25 million for each of fiscal years 1981, 1982 and 1983 and $30 million for each of fiscal years 1984 and 1985.

Sections 401 and 402 amend Title 5 and Title 18 of the United States Code, technical amendments.

Section 403 amends section 1002 of the Justice System Improvement Act of 1979, a technical amendment.

Section 404 amends the Act to carry out the delegation of authority for the Administrator of the Office.

EXCERPTS FROM THE ANNUAL REPORT OF THE RUNAWAY AND HOMELESS YOUTH ACT/ HEW

The 1976 Annual Report addressed questions of causation with regard to the runaway youth problem in the Nation. The National Statistical Survey documented the runaway youth problem as being extensive, persistent, and a result of multiple causes which explain its nature and incidence. The Survey found that approximately 733,000 youth ages 10 to 17 leave home annually without parental permission for at least overnight. A major contributing factor to youth leaving home was that of family conflict.

In addition, the Survey presented evidence that large numbers of homeless and neglected youth often go unserved by the traditional social service agencies. Two priority areas were identified in which continued efforts were required to further strengthen the programs funded under the Runaway Youth Act.

These two objectives were (1) Service Delivery—to continue programmatic efforts designed to improve the service and administrative capability of the funded runaway youth projects to deliver effective services to runaway youth and their families; and (2) Research and Evaluation—to continue research efforts into the problems and special needs of runaway youth, the causes and complexities of runaway behaviour, and to conduct a national evaluation of the projects funded under the Runaway Youth Act.

In the 1977 Annual Report, the Department reported more fully on the characteristics of the National Runaway Youth Program and several important conclusions were reached:

The runaway youth projects are serving a greater proportion of "vulnerable youth" as defined by the variables of age, sex, and situational status;

The runaway youth projects are increasingly becoming utilized as a resource by youth and families in crisis, of which the actual event of running away from home is only one symptom of the problems that are being experienced;

Projects funded under the Runaway Youth Act are providing more comprehensive services to runaway youth and their families than in the past; and the nature of the runaway youth problem is more complex, longer term and severe than just being on the run;

The projects funded under the Runaway Youth Act are rapidly becoming legitimate and stable members of the social service system and are providing more than temporary shelter and crisis counseling within their facilities;

Runaway youth are staying closer to their home communities during the runaway episode;

There are growing needs for expanded aftercare services, (intermediate and long-term care) because many of the youth have family related and long standing unresolved problems;

There are an increasing number of homeless youth who are seeking services from the runaway youth projects.

On the basis of these findings, the Department recommended: that priority should be given to the further development of aftercare services for runaway youth; that there should be exploration into the development of expanded services in local runaway centers; that intergovernmental relations should be developed to facilitate these services; and that the network of the runaway service delivery system in local communities should be expanded.

During FY 1978 three significant events occurred. First, with reauthorization of the Runaway Youth Act, an amendment was included which called for the transfer of the National Runaway Youth Program from the Youth Development Bureau of the Department of Health, Education, and Welfare to the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice or the ACTION Agency. Secondly, House of Representatives Oversight Hearings were conducted on the administration of the Runaway Youth Act by the Department of Health, Education, and Welfare; and third, the Government Accounting Office was directed to review the administration of the Runaway Youth Act with the Department. The GAO report focused on the following areas:

The general management and administration of the Runaway Youth Act by the Administration for Children, Youth and Families;

The adequacy of the program evaluation conducted by the Administration for Children, Youth and Families to determine its strengths and weaknesses;

The disposition of children sheltered by the runaway programs supported in whole or in part by program funds; and

The extent to which the program has reduced the involvement of runaways in the formal juvenile court system.

On March 7, 1978, House Oversight Hearings were conducted and the General Accounting Office report was presented. While the report revealed several problems, the administration of the National Runaway Youth Programs remained with the Department of Health, Education, and Welfare.

The 1978 Annual Report to Congress reviews the findings and conclusions of the 1976 and 1977 reports and addresses the strengths and weaknesses identified by the General Accounting Office and the House Oversight Committee. The major focus and thrust of the Annual Report is on the identification of major issues and needs which will influence the future administration of the Runaway Youth Act by the Department. However, while this Report is designed to report on the status and accomplishments of the National Runaway Youth Program, it is also intended to document the activities conducted by the Department of Health, Education, and Welfare during Fiscal Year 1978 to strengthen and to administer the overall goals of the Runaway Youth Act.

The primary accomplishments of the National Runaway Youth Program in FY 1978 include:

Funding of 166 runaway youth programs which have provided services to over 32,000 runaway youth and their families located in 48 States, Puerto Rico, the District of Columbia and Guam;

Awarding of seven demonstration grants to Runaway Youth Act funded programs to enable them to more comprehensively address the needs of youth and families in crisis by expanding the range of services provided and the types of clients served;

Strengthening of the administrative structure within the Department of Health, Education, and Welfare to increase the capability for providing better services under the Runaway Youth Program;

Implementation of a Management Information System which is based on the Intake and Service Summary Forms within the Department designed to provide a data base of empirical information on runaway youth served by the programs;

Funding of the National Toll-Free Communications System to serve runaway, other homeless youth and their families.

Development of Intra- and Inter-Agency agreements for the purpose of expanding services under the National Runaway Program;

Development of model regulations, consistent with the Secretary's "Operation Common Sense," which eliminates inefficient and unnecessary reporting requirements, rules, and regulations within the Department; and

Identification of the National Runaway Youth Program as one of the foci for the Secretary's Major Initiative Tracking System which requires a quarterly review.

Based upon the data submitted by the programs on the clients served, and the results of program development and research efforts conducted by the Department, several conclusions can be drawn about the implementation of the Act. These conclusions are summarized below and discussed more completely in the overall report.

Most of the runaway youth programs have developed multiple service components addressing emerging needs of young people in the local community.

The runaway youth programs are serving a greater portion of vulnerable youth with long standing, unresolved family problems. The number of homeless or abandoned youth seeking services has increased.

The runaway youth programs are increasingly being utilized as a resource by both youth and families in crisis.

The runaway youth programs are becoming viewed as legitimate members of the community social service network and are being utilized by social service agencies and the law enforcement/juvenile justice system as a resource for youth and families.

Leaving home without parental permission continues to be a major problem for youth in this country. The National Statistical Survey on Runaway Youth conducted in 1975 found that approximately 733,000 youth leave home annually without parental permission. In addition, there has been increasing evidence of large numbers of homeless, neglected, and abused youth going unserved by traditional social service agencies. In order to more effectively meet the needs of these youth, the Runaway Youth Act authorizes the Secretary of the Department of Health, Education, and Welfare to make grants to local communities for the purpose of developing programs which deal primarily with the immediate needs of runaway and otherwise homeless youth in a manner which is outside the law enforcement structure and juvenile justice system. Services provided must include temporary shelter, counseling, and aftercare services. The legislative goals of these grant programs are:

(1) to alleviate the problems of runaway youth;

(2) to reunite youth with their families and to encourage the resolution of intra-family problems through counseling and other services;

(3) to strengthen family relationships and to encourage stable living conditions for youth; and

(4) to help youth decide upon a future course of action.

Through the implementation of these four legislative goals, the National Runaway Youth Program is impacting significantly on the lives of many vulnerable runaway and homeless youth and their families. Through its community-based projects the Runaway Youth Program served 32,000 youth and their families during FY 1978.

Through the National Runaway Youth Program, youth and families now have ac-

cess to a network of community-based service programs designed to address youth needs while they are away from home and to provide services for youth and their families on an aftercare bases as required. Further, the National Toll-Free communication system which is designed to provide a neutral channel of communications between, and a vehicle for reuniting runaway youth with their families, served 135,860 youth.

The Youth Development Bureau also has a responsibility to improve the administrative and organizational capabilities of runaway youth programs to plan and deliver services to runaway and otherwise homeless youth. To this end, YDB has developed a technical operations manual which presents 13 program performance standards integral to a program of services to effectively deal with the crisis needs of runaway and otherwise homeless youth.

YDB also provides, through a contract, technical assistance to local programs in the area of organizational development as well as short-term training to increase the information and skills of youth workers to deliver services within their programs. Additionally, YDB has responsibility to develop models for dissemination on the provision of specific services such as prevention, aftercare, and health services.

There being no objection, the bills and material were ordered to be printed in the RECORD, as follows:

S. 2441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be cited as the "Violent Juvenile Crime Control Act of 1980".

TITLE I—AMENDMENTS TO TITLE I OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended—

(1) by striking out "and" immediately after the semicolon in paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(8) the justice system should give additional attention to violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation.".

SEC. 102. (a) Paragraphs (4) and (5) of section 102 of that Act are repealed.

(b) Section 103(7) of that Act is amended by inserting after "Pacific Islands" the following: "the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marians Islands,".

(c) Section 103(9) of that Act is amended by striking out "law enforcement" and inserting "juvenile justice".

TITLE II—AMENDMENTS TO TITLE II OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 201. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Justice under the general authority of the Administrator of the Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the 'Office'). The Office shall be under the direction of an Administrator, who shall be nominated by the President by and with the advice and consent of the Senate. The Administrator shall administer the provisions of this Act through the Office. The Administrator shall have final authority to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants, cooperative agreements and contracts from, and applications for, funds made available under this title.

"(b) The Administrator may prescribe, in accordance with section 553 of title 5, United States Code, such rules and regulations as are necessary or appropriate to carry out the purposes of this title."

(b) Section "201(e)" of that Act is renumbered "201(c)" and amended by striking out "of the Law Enforcement Assistance Administration".

(c) Section "201(f)" of that Act is renumbered "201(d)".

(d) A new subsection "(e)" is added to read as follows:

"(e) There shall be established in the Office a Legal Advisor who shall be appointed by the Administrator whose function shall be to supervise and direct the Legal Advisor Unit whose responsibilities shall include legal policy development, implementation, and dissemination and the coordination of such matters with all relevant departmental units. The Legal Advisor, when appropriate, shall consult with the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics on legal nonpolicy matters relating to the provisions of this Act.".

(e) Section "201(g)" of that Act is renumbered "201(f)" and amended by striking out "-five" and inserting "-six".

(f) A new subsection "(g)" is added to read as follows:

"(g) The Administrator shall provide the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor with a detailed evaluation of the Runaway Juvenile Awareness Project, the so-called "Scared-Straight" program or other similar programs, no later than December 31, 1980.".

SEC. 202. (a) Section 204(b) of that Act is amended by striking out ", with the assistance of Associate Administrator,".

(b) Section 204(g) of that Act is amended by striking out "Administration" and inserting "Office".

SEC. 203. Section 206(d) of that Act is amended by striking out "Corrections" and inserting "Justice".

SEC. 204. (a) Section 222(a) of that Act is amended by striking the last "and" and inserting immediately after "Pacific Islands" the following: ", the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States,".

(b) Section 222(b) of that Act is amended by striking out "the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands" and inserting "as defined in section 103(7),".

SEC. 205. (a) Section 223(a) of that Act is amended to read as follows:

"(a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes in accordance with regulations established under this title, such plan must—".

(b) Section 223(a)(3)(iii) of that Act is amended by striking out "established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

(c) Section 223(a)(3)(iv) of that Act is amended by striking out "section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended," and inserting "section 1002 of the Justice System Improvement Act of 1979,".

(d) Section 223(a) of that Act is amended by striking out the last sentence.

(e) Section 223(c) of that Act is amended by striking out ", with the concurrence of the Associate Administrator,".

(f) Section 223(d) of that Act is amended by striking out ", in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968,".

SEC. 206. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by substituting "Priority Juvenile" for "Special Emphasis" each time it appears.

SEC. 207. Section 225(b)(5) and (6) of that Act is amended by striking out "planning agency" and inserting "advisory group".

SEC. 208. Section 225(b)(8) of that Act is amended by striking out "agency" the first time it appears and inserting "advisory group".

SEC. 209. (a) Section 228(b) of that Act is amended by striking out "not funded by the Law Enforcement Assistance Administration,".

(b) Section 228(g) of that Act is amended—

(1) by striking out "part" and inserting "title"; and

(2) by striking out "or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

SEC. 210. Section 241(c) of that Act is amended by striking out "Law Enforcement and Criminal".

SEC. 211. (a) Section 261(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $200,000,000 for each of the fiscal years ending September 30, 1981, 1982, and 1983, and $225,000,000 for each of the fiscal years ending September 30, 1984, and 1985. Appropriated funds not obligated by the end of each fiscal year, shall revert to the Secretary for the purposes of Title III, no later than January 1, of the subsequent fiscal year.".

(b) Section 261(b) of that Act as amended by section 1002 of the Justice System Improvement Act of 1979 is amended by striking all after the last "appropriations" and inserting, "under the Justice System Improvement Act of 1979, for programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation. Implementation, including guidelines, of this subsection shall be the responsibility of the Administrator of the Office.".

SEC. 212. Section 262 of that Act is amended to read as follows:

SEC. 262. Of the appropriation for the Office under this Act, there shall be allocated an adequate amount for administrative expenses other than those support services performed for the Office by the Office of Justice Assistance, Research, and Statistics."

SEC. 213. Section 263 (a), (b), and (c) of that Act are amended to read as follows:

"SEC. 263. The amendments made by the Violent Juvenile Crime Control Act of 1980 shall take effect upon enactment.".

TITLE III—AMENDMENTS TO THE RUNAWAY YOUTH ACT

SEC. 301. Amend the caption "TITLE III—RUNAWAY YOUTH" by inserting "AND HOMELESS" immediately after "RUNAWAY".

SEC. 302. (a) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "and Homeless" immediately after "Runaway,".

SEC. 303. (a) Section 302(1) of that Act is amended by adding "or who are otherwise homeless" after "permission".

(b) Section 302(2) of that Act is amended by adding "and homeless" after "runaway".

SEC. 304. (a) Section 311 of that Act is amended by inserting "(a)" immediately after "SEC. 311.".

(b) Section 311 of that Act is amended by adding at the end thereof the following:

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"(b) The Secretary is authorized to make grants for the purposes of providing a national telephone communications system to link runaway and homeless youths with their families and with service providers.".

SEC. 305. (a) Section 312(a) of that Act is amended by striking the period and inserting "or who are otherwise homeless.".

(b) Section 312(b)(5) of that Act is amended by inserting "and homeless" after "runaway" the first time it appears.

SEC. 306. Section 315(1) of that Act is amended by adding "and homeless" after "runaway".

SEC. 307. (a) Section 341(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of part A of this title there is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, and 1983, and $30,000,000 for each of the fiscal years ending September 30, 1984 and 1985.".

(b) Section 341(b) is amended by striking "Omnibus Crime Control and Safe Streets Act of 1968, as amended." and inserting "Justice System Improvement Act of 1979.".

TITLE IV—MISCELLANEOUS CONFORMING AMENDMENTS

SEC. 401. Section 5316 of title 5, United States Code, is amended by striking out "Associate Administrator, Office of Juvenile Justice and Delinquency Prevention" and inserting "Administrator, Office of Juvenile Justice and Delinquency Prevention,".

SEC. 402. Section 4351(b) of title 18, United States Code, is amended by striking out "Associate".

SEC. 403. Section 1002 of the Justice System Improvement Act of 1979 is amended by striking out all that appears after "title" and inserting the following: "for programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation.".

SEC. 404. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "Associate" each time it appears.

OFFICE OF THE DEPUTY
ATTORNEY GENERAL,
Washington, D.C., May 15, 1979.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: It is my pleasure to forward for your consideration a legislative proposal entitled the "Juvenile Justice Amendments of 1980."

This proposed bill would amend the Juvenile Justice and Delinquency Prevention Act of 1974 and extend the authority of the Law Enforcement Assistance Administration to administer the Act, through its Office of Juvenile Justice and Delinquency Prevention, for an additional four years. The bill would provide continued funding to the Law Enforcement Assistance Administration to coordinate Federal juvenile delinquency programs and activities and to assist States, units of general local government, and private non-profit agencies, organizations and institutions in their efforts to combat juvenile delinquency and improve the juvenile justice system.

The amendments proposed are few in number and are directed toward making improvements in the existing program. The amendments were drafted in anticipation of the enactment of the Justice System Improvement Act (S. 241 and H.R. 2061) during the current session of Congress. Because that Act would thoroughly restructure the existing program under the Omnibus Crime Control and Safe Streets Act, it is possible that a modification of this bill would be necessary after the enactment of the Justice System Improvement Act. The Justice System Improvement Act establishes the Office of Justice Assistance, Research and Statistics as the coordinating mechanism for the Federal justice system improvement program. The Office will be made up of three separate organizational entities responsible for the three major functional areas of financial assistance, research, and statistics. Under the new structure, the Juvenile Justice Act program will remain a part of the financial assistance program administered by the Law Enforcement Assistance Administration.

The legislative proposal would target additional attention and resources on the problem of the serious, violent, and chronic repeat delinquent offender. The bill begins with a finding that the juvenile justice system should give additional attention to this type of offender from apprehension through rehabilitation. New formula and Special Emphasis program authority is added through a series of amendments proposed in the bill that authorize a broad range of programmatic efforts directed toward this significant, but neglected, juvenile offender population.

The legislative proposal includes a number of amendments designed to strengthen activities to coordinate Federal juvenile delinquency efforts. The Federal Coordinating Council would be given staff capability to assist in carrying out its statutory duties. The Council would be responsible for reviewing and making recommendations on all joint funding efforts undertaken by the Office of Juvenile Justice and Delinquency Prevention with member agencies.

In order to increase representation of State advisory groups on the 21 member National Advisory Committee for Juvenile Justice and Delinquency Prevention, the proposal would require that the President appoint at least two State advisory group members to the Committee in each group of seven appointments.

The proposal would clarify the important Section 223(a)(12)(A) deinstitutionalization requirement of the Act through a definition of the term "juvenile detention or correctional facilities." The definition would prohibit the placement of juveniles who have not been charged with or adjudicated for offenses that would be criminal if committed by an adult in facilities that are secure or that are used for the lawful custody of adult offenders. This change, coupled with the Act's emphasis on the establishment of small community-based alternatives, should permit States to continue their progress toward full deinstitutionalization of noncriminal juveniles while at the same time freeing additional resources for the accomplishment of other important objectives of the Act.

The proposed bill continues the National Institute for Juvenile Justice and Delinquency Prevention. However, the Institute's authority in the area of basic research into the causes of juvenile delinquency would be removed. The basic research function would be performed by the National Institute of Justice under the Justice System Improvement Act.

Finally, the proposal would provide authorization of such sums as are necessary for Juvenile Justice Act programs in each of fiscal years 1981, 1982, 1983, and 1984. The submission of this bill underscores the Administration's continuing commitment to juvenile justice and delinquency prevention programming at the Federal level.

I recommend the prompt and favorable consideration of the proposed "Juvenile Justice Amendments of 1980." In addition to the bill, there is enclosed a section-by-section analysis.

The Office of Management and Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this legislation to the Congress and that its enactment would be consistent with the Administration's objectives.

Sincerely,

BENJAMIN R. CIVILETTI,
Deputy Attorney General.

AMENDMENT

Mr. BAYH (by request) introduced the following bill, which was read twice and referred to the Committee on the Judiciary.

A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice Amendments of 1980."

SEC. 2. Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 101(a)(4) is amended by inserting the words "alcohol and" after the word "abuse" and before the word "drugs".

(2) Section 101(a) is further amended by striking out the word "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting "; and" in lieu thereof, and by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of the serious juvenile offender, particularly in the areas of apprehension, identification, speedy adjudication, sentencing and rehabilitation."

(3) Section 103(7) is amended to read as follows:

"(7) the term "state" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;"

(4) Section 103(12) is amended to read as follows:

"(12) the term "juvenile detention or correctional facilities" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders or any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders; and".

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

SEC. 3. Title II, Part A of such Act is amended as follows:

(1) Section 206(c) is amended by inserting at the end thereof the following new sentence: "The Council shall review and make recommendations on all joint funding efforts undertaken by the Office of Juvenile Justice and Delinquency Prevention with member agencies of the Council."

(2) Section 206(e) is amended to read as follows:

"(e) The Chairman of the Council shall, with the approval of the Council, appoint a staff director, an assistant staff director, and such additional staff support as the Chairman considers necessary to carry out the functions of the Council."

(3) Section 207(d) is amended by inserting after the second sentence thereof the following new sentence: "Each group of appointments for four year terms shall include at least two appointees who are members of a State advisory group established pursuant to section 223(a)(3) of this Act."

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 4. Title II, Part B of such Act is amended as follows:

(1) Section 223(a)(10) is amended by striking the word "and" before the words "to establish and adopt", and by inserting

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after "juvenile justice standards" the following words: ", and to identify, adjudicate, and provide effective institutional and community-based treatment alternatives for the serious, violent, or chronic repeat juvenile offender".

(2) Section 223(a)(10)(A) is amended by inserting after "rehabilitative service" the following: "including programs and services targeted to the treatment and rehabilitation of serious, violent, or chronic repeat juvenile offenders."

(3) Section 223(a)(10) is further amended by adding at the end thereof the following new subparagraphs:

"(J) projects designed to identify and work with criminally involved juvenile gangs in order to channel their energy to constructive and lawful outlets;

"(K) programs designed to identify and focus resources upon the serious violent, or chronic repeat juvenile offender;

"(L) special institutional units or programs to provide intensive supervision and treatment for violent juvenile delinquent offenders;"

(4) Section 224(a)(10) is amended by striking the word "and" at the end thereof.

(5) Section 224(a)(11) is amended by striking the period at the end and inserting "; and" in lieu thereof.

(6) Section 224(a) is further amended by adding at the end thereof the following new paragraph:

"(12) develop and implement programs designed to increase the ability of the juvenile justice system to gather information on violent or serious juvenile crime, to assure due process in adjudication, and to provide resources necessary for informed dispositions of juvenile offenders."

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 5. Title II, Part C of such Act is amended as follows:

(1) Section 243(1) is amended by inserting the word "applied" after the word "coordinate".

(2) Section 243(5) is amended by inserting the word "applied" after the words "private agencies, such".

(3) Section 245 is amended by striking the words "Associate Administrator" and inserting the words "Deputy Associate Administrator for the National Institute for Juvenile Justice and Delinquency Prevention" in lieu thereof.

PART D—ADMINISTRATIVE PROVISIONS

SEC. 6. Title II, Part D of such Act is amended as follows:

(1) The first sentence of Section 261(a) is amended to read as follows:

"To carry out the purposes of this title there is authorized to be appropriated such sums as are necessary for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984."

(2) Section 261(b) is amended to read as follows:

"(b) In addition to the funds appropriated under Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, other than funds earmarked for research, evaluation and statistics activities, each fiscal year, at least 20 percent of the total appropriations for the Administration, for juvenile delinquency programs. The Administration shall provide an adequate share of research, evaluation and statistics funding for juvenile delinquency programs and activities and is encouraged to provide funding for juvenile delinquency programs over and above the 20 percent maintenance of effort minimum. The Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, subject to the review and approval of the Administration, shall publish guidelines for the implementation of this subsection."

(3) Section 261 is further amended by adding at the end thereof the following new subsection:

"(c) A reasonable amount of the total annual appropriation under this title shall be allocated and expended by the Administration for the purpose of planning and implementing joint interagency programs and projects authorized under Part A."

SECTIONAL ANALYSIS

Section 1 provides that the Act may be cited as the "Juvenile Justice Amendments of 1980."

Section 2 amends Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 to add additional findings and to modify two definitions.

(1) Section 101(6)(4) is amended to recognize that alcohol abuse is an increasing problem among juveniles.

(2) Section 101(a) is further amended to add a congressional finding that the juvenile justice system should give additional attention to the problem of the serious juvenile offender.

(3) Section 103(7) is amended to list the jurisdictions that qualify as "States" eligible for funding under the Act.

(4) Section 103(12) is amended to define the term "juvenile detention or correctional facilities," as this term is used in Section 223(a)(12)(A), in order to specify that juveniles who have not been charged with or adjudicated for offenses that would be criminal if committed by an adult may not be placed in facilities that are secure or, whether secure or non-secure, are used for the lawful custody of accused or convicted adult criminal offenders.

Section 3 amends Title II, Part A of the Juvenile Justice and Delinquency Prevention Act of 1974 in three ways:

(1) Section 206(c) is amended to provide that the Coordinating Council review and make recommendations on all joint funding proposals undertaken by the Office of Juvenile Justice and Delinquency Prevention with member agencies of the Council.

(2) Section 206(e) is amended to require that the Chairman of the Council, with the approval of the Council, appoint a staff director, an assistant staff director, and such additional staff support as the Chairman considers necessary to carry out the Council's statutory functions.

(3) Section 207(d) is amended to specify that at least two appointees out of each group of seven appointees to the National Advisory Committee for Juvenile Justice and Delinquency Prevention shall be current members of a State advisory group established under the Act.

Section 4 amends Title II, Part B of the Act through six separate provisions related to Federal assistance programs.

(1) Section 223(a)(10) is amended to add to the list of advanced technique program areas under the formula grant program those that identify, adjudicate, and provide effective institutional and community-based treatment alternatives for the serious, violent, or chronic repeat juvenile offender.

(2) Section 223(a)(10)(A) is amended to include programs and services targeted to the treatment and rehabilitation of serious violent, or chronic repeat juvenile offenders to the listing of examples of advanced technique community-based programs and services.

(3) Section 223(a)(10) is further amended by adding three new subparagraphs that give further examples of advanced technique project activities related to serious juvenile offenders.

Subparagraph (J) authorizes projects designed to identify and work with criminally involved juvenile gangs in order to channel their energy to constructive and lawful outlets.

Subparagraph (K) authorizes programs that are designed to identify and focus resources on the serious, violent, or chronic repeat juvenile offender.

Subparagraph (L) authorizes the funding of special institutional units or programs to provide intensive supervision and treatment for violent juvenile delinquent offenders.

(4) Section 224(a)(10) is the subject of a technical amendment.

(5) Section 224(a)(11) is the subject of a technical amendment.

(6) Section 224(a) is further amended by adding a new paragraph that authorizes Special Emphasis prevention and treatment funding for programs designed to increase the ability of the juvenile justice system to gather information on violent or serious juvenile crime, to assure due process in adjudication, and to provide additional resources necessary to make informed dispositions of juvenile offenders.

Section 5 amends Title II, Part C of the Act through three amendments related to the National Institute for Juvenile Justice and Delinquency Prevention.

(1) Section 243(1) is amended to limit the scope of the Institute's research authority to applied research into all aspects of juvenile delinquency. Basic research into the causes of crime and delinquency will be conducted by the National Institute for Law Enforcement and Criminal Justice or its successor.

(2) Section 243(5) is also amended to specify that studies prepared by the Institute with respect to the prevention and treatment of juvenile delinquency shall be applied studies related to the development of effective programs and projects.

(3) Section 245 is amended to provide that the Institute Advisory Committee directly advise the Deputy Associate Administrator for the Institute.

Section 6 amends Title II, Part D of the Act, Administrative Provisions, through three amendments to Section 261.

(1) Section 261(a) is amended to provide a four-year authorization with an appropriation level of such sums as are necessary for each of fiscal years 1981, 1982, 1983, and 1984.

(2) Section 261(b) is amended to provide for changes in the required maintenance of effort of Crime Control Act funds for juvenile delinquency programs. The requirement is made applicable to all such funds except funds earmarked for research, evaluation and statistics activities. These latter activities must receive an adequate share of available funds. The maintenance of effort level is set at 20 percent and language added to encourage the Administration to provide funding for juvenile delinquency programs over and above the minimum 20 percent level. Guidelines for implementation of maintenance of effort shall be formulated by the Associate Administrator of OJJDP and, following review and approval by the LEAA Administrator, published in the Federal Register.

(3) A new section 261(c) is added to require that a reasonable amount of the total annual appropriation under Title II shall be allocated and expended for the purpose of planning and implementing jointly funded interagency programs and projects in accordance with the joint funding authority provided under the Part A Concentration of Federal Efforts program.●

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TEXT OF S. 2441, AS INTRODUCED IN THE SENATE,

A BILL TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY

PREVENTION ACT OF 1974 (BAYH BILL)

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96TH CONGRESS
2D SESSION

S. 2441

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, JANUARY 3), 1980

Mr. BAYH introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be cited as the "Violent Juvenile Crime Control Act of 1980".

TITLE I—AMENDMENTS TO TITLE I OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended—

(1) by striking out "and" immediately after the semicolon in paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(8) the justice system should give additional attention to violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation.".

SEC. 102. (a) Paragraphs (4) and (5) of section 102 of that Act are repealed.

(b) Section 103(7) of that Act is amended by inserting after "Pacific Islands" the following: "the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands,".

(c) Section 103(9) of that Act is amended by striking out "law enforcement" and inserting "juvenile justice".

TITLE II—AMENDMENTS TO TITLE II OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 201. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Justice under the general authority of the Ad-

ministrator of the Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the 'Office'). The Office shall be under the direction of an Administrator, who shall be nominated by the President by and with the advice and consent of the Senate. The Administrator shall administer the provisions of this Act through the Office. The Administrator shall have final authority to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants, cooperative agreements and contracts from, and applications for, funds made available under this title.

"(b) The Administrator may prescribe, in accordance with section 553 of title 5, United States Code, such rules and regulations as are necessary or appropriate to carry out the purposes of this title.".

(b) Section "201(e)" of that Act is renumbered "201(c)" and amended by striking out "of the Law Enforcement Assistance Administration".

(c) Section "201(f)" of that Act is renumbered "201(d)".

(d) A new subsection "(e)" is added to read as follows:

"(e) There shall be established in the Office a Legal Advisor who shall be appointed by the Administrator whose function shall be to supervise and direct the Legal Advisor Unit whose responsibilities shall include legal policy development, implementation, and dissemination and the coordina-

tion of such matters with all relevant departmental units. The Legal Advisor, when appropriate, shall consult with the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics on legal nonpolicy matters relating to the provisions of this Act.".

(e) Section "201(g)" of that Act is renumbered "201(f)" and amended by striking out "-five" and inserting "-six".

(f) A new subsection "(g)" is added to read as follows:

"(g) The Administrator shall provide the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor with a detailed evaluation of the Rahway Juvenile Awareness Project, the so-called 'Scared-Straight' program or other similar programs, no later than December 31, 1980.".

SEC. 202. (a) Section 204(b) of that Act is amended by striking out ", with the assistance of Associate Administrator,".

(b) Section 204(g) of that Act is amended by striking out "Administration" and inserting "Office".

SEC. 203. Section 208(d) of that Act is amended by striking out "Corrections" and inserting "Justice".

SEC. 204. (a) Section 222(a) of that Act is amended by striking the last "and" and inserting immediately after "Pacific Islands" the following: ", the Commonwealth of the

Northern Mariana Islands, and any territory or possession of the United States,".

(b) Section 222(b) of that Act is amended by striking out "the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands" and inserting "as defined in section 103(7),".

SEC. 205. (a) Section 223(a) of that Act is amended to read as follows:

"(a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes in accordance with regulations established under this title, such plan must—".

(b) Section 223(a)(3)(iii) of that Act is amended by striking out "established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

(c) Section 223(a)(3)(iv) of that Act is amended by striking out "section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended," and inserting "section 1002 of the Justice System Improvement Act of 1979,".

(d) Section 223(a) of that Act is amended by striking out the last sentence.

(e) Section 223(c) of that Act is amended by striking out ", with the concurrence of the Associate Administrator,".

(f) Section 223(d) of that Act is amended by striking out ", in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968,".

SEC. 206. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by substituting "Priority Juvenile" for "Special Emphasis" each time it appears.

SEC. 207. Section 225(b) (5) and (6) of that Act is amended by striking out "planning agency" and inserting "advisory group".

SEC. 208. Section 225(b)(8) of that Act is amended by striking out "agency" the first time it appears and inserting "advisory group".

SEC. 209. (a) Section 228(b) of that Act is amended by striking out "not funded by the Law Enforcement Assistance Administration,".

(b) Section 228(g) of that Act is amended—

(1) by striking out "part" and inserting "title"; and

(2) by striking out "or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

SEC. 210. Section 241(c) of that Act is amended by striking out "Law Enforcement and Criminal".

SEC. 211. (a) Section 261(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $200,000,000 for each of the fiscal years ending September 30, 1981, 1982, and 1983, and $225,000,000 for each of the fiscal years ending September 30, 1984, and 1985. Appropriated funds not obligated by the end of each fiscal year, shall revert to the Secretary for the purposes of Title III, no later than January 1, of the subsequent fiscal year.".

(b) Section 261(b) of that Act as amended by section 1002 of the Justice System Improvement Act of 1979 is amended by striking all after the last "appropriations" and inserting, "under the Justice System Improvement Act of 1979, for programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation. Implementation, including guidelines, of this subsection shall be the responsibility of the Administrator of the Office.".

SEC. 212. Section 262 of that Act is amended to read as follows:

"SEC. 262. Of the appropriation for the Office under this Act, there shall be allocated an adequate amount for

administrative expenses other than those support services performed for the Office by the Office of Justice Assistance, Research, and Statistics.".

SEC. 213. Section 263 (a), (b), and (c) of that Act are amended to read as follows:

"SEC. 263. The amendments made by the Violent Juvenile Crime Control Act of 1980 shall take effect upon enactment.".

TITLE III—AMENDMENTS TO THE RUNAWAY YOUTH ACT

SEC. 301. Amend the caption "TITLE III—RUNAWAY YOUTH" by inserting "AND HOMELESS" immediately after "RUNAWAY".

SEC. 302. (a) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "and Homeless" immediately after "Runaway,".

SEC. 303. (a) Section 302(1) of that Act is amended by adding "or who are otherwise homeless" after "permission".

(b) Section 302(2) of that Act is amended by adding "and homeless" after "runaway".

SEC. 304. (a) Section 311 of that Act is amended by inserting "(a)" immediately after "SEC. 311.".

(b) Section 311 of that Act is amended by adding at the end thereof the following:

"(b) The Secretary is authorized to make grants for the purposes of providing a national telephone communications system to link runaway and homeless youths with their families and with service providers.".

SEC. 305. (a) Section 312(a) of that Act is amended by striking the period and inserting "or who are otherwise homeless.".

(b) Section 312(b)(5) of that Act is amended by inserting "and homeless" after "runaway" the first time it appears.

SEC. 306. Section 315(1) of that Act is amended by adding "and homeless" after "runaway".

SEC. 307. (a) Section 341(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of part A of this title there is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, and 1983, and $30,000,000 for each of the fiscal years ending September 30, 1984 and 1985.".

(b) Section 341(b) is amended by striking "Omnibus Crime Control and Safe Streets Act of 1968, as amended." and inserting "Justice System Improvement Act of 1979.".

TITLE IV—MISCELLANEOUS CONFORMING AMENDMENTS

SEC. 401. Section 5316 of title 5, United States Code, is amended by striking out "Associate Administrator, Office

of Juvenile Justice and Delinquency Prevention" and inserting "Administrator, Office of Juvenile Justice and Delinquency Prevention,".

SEC. 402. Section 4351(b) of title 18, United States Code, is amended by striking out "Associate".

SEC. 403. Section 1002 of the Justice System Improvement Act of 1979 is amended by striking out all that appears after "title" and inserting the following: "for programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation.".

SEC. 404. (a) The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "Associate" each time it appears.

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TEXT OF S. 2442, AS INTRODUCED IN THE SENATE,

A BILL TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY

PREVENTION ACT OF 1974 (ADMINISTRATION BILL)

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96TH CONGRESS
2D SESSION

S. 2442

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19 (legislative day, JANUARY 3), 1980

Mr. BAYH (by request) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice Amendments of 1980".

SEC. 2. Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(1) Section 101(a)(4) is amended by inserting the words "alcohol and" after the word "abuse" and before the word "drugs".

(2) Section 101(a) is further amended by striking out the word "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting "; and" in lieu thereof, and by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of the serious juvenile offender, particularly in the areas of apprehension, identification, speedy adjudication, sentencing and rehabilitation.".

(3) Section 103(7) is amended to read as follows:

"(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;".

(4) Section 103(12) is amended to read as follows:

"(12) the term "juvenile detention or correctional facilities" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or nonoffenders or any public or private facility, secure or nonsecure, which is also used for the lawful custody of accused or convicted adult criminal offenders; and".

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

SEC. 3. Title II, part A of such Act is amended as follows:

(1) Section 206(c) is amended by inserting at the end thereof the following new sentence: "The Council shall review and make recommendations on all joint funding efforts undertaken by the Office of Juvenile Justice and Delinquency Prevention with member agencies of the Council.".

(2) Section 206(e) is amended to read as follows: "(e) The Chairman of the Council shall, with the approval of the Council, appoint a staff director, an assistant staff director, and such additional staff support as the Chairman considers necessary to carry out the functions of the Council.".

(3) Section 207(d) is amended by inserting after the second sentence thereof the following new sentence: "Each group of appointments for four-year terms shall include at least two appointees who are members of a State advisory group established pursuant to section 223(a)(3) of this Act.".

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

SEC. 4. Title II, part B of such Act is amended as follows:

(1) Section 223(a)(10) is amended by striking the word "and" before the words "to establish and adopt", and by inserting after "juvenile justice standards" the following words: ", and to identify, adjudicate, and provide effective institutional and community-based treatment alternatives for the serious, violent, or chronic repeat juvenile offender".

(2) Section 223(a)(10)(A) is amended by inserting after "rehabilitative service" the following: "including programs and services targeted to the treatment and rehabilitation of serious, violent, or chronic repeat juvenile offenders.".

(3) Section 223(a)(10) is further amended by adding at the end thereof the following new subparagraphs:

"(J) projects designed to identify and work with criminally involved juvenile gangs in order to channel their energy to constructive and lawful outlets;

"(K) programs designed to identify and focus resources upon the serious violent, or chronic repeat juvenile offender;

"(L) special institutional units or programs to provide intensive supervision and treatment for violent juvenile delinquent offenders;".

(4) Section 224(a)(10) is amended by striking the word "and" at the end thereof.

(5) Section 224(a)(11) is amended by striking the period at the end and inserting "; and" in lieu thereof.

(6) Section 224(a) is further amended by adding at the end thereof the following new paragraph:

"(12) develop and implement programs designed to increase the ability of the juvenile justice system to gather information on violent or serious juvenile crime, to assure due process in adjudication, and to provide resources necessary for informed dispositions of juvenile offenders.".

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 5. Title II, part C of such Act is amended as follows:

(1) Section 243(1) is amended by inserting the word "applied" after the word "coordinate".

(2) Section 243(5) is amended by inserting the word "applied" after the words "private agencies, such".

(3) Section 245 is amended by striking the words "Associate Administrator" and inserting the words "Deputy Associate Administrator for the National Institute for Juvenile Justice and Delinquency Prevention" in lieu thereof.

PART D—ADMINISTRATIVE PROVISIONS

SEC. 6. Title II, part D of such Act is amended as follows:

(1) The first sentence of section 261(a) is amended to read as follows: "To carry out the purposes of this title there is authorized to be appropriated such sums as are necessary for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984.".

(2) Section 261(b) is amended to read as follows:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, other than funds earmarked for research, evaluation, and statistics activities, each fiscal year, at least 20 per centum of the total appropriations for the Administration, for

juvenile delinquency programs. The Administration shall provide an adequate share of research, evaluation, and statistics funding for juvenile delinquency programs and activities and is encouraged to provide funding for juvenile delinquency programs over and above the 20 per centum maintenance of effort minimum. The Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, subject to the review and approval of the Administration, shall publish guidelines for the implementation of this subsection.".

(3) Section 261 is further amended by adding at the end thereof the following new subsection:

"(c) A reasonable amount of the total annual appropriation under this title shall be allocated and expended by the Administration for the purpose of planning and implementing joint interagency programs and projects authorized under part A.".

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SENATE COMMITTEE REPORT NO. 96-705 ON

S. 2441, COMMITTEE ON THE JUDICIARY, MAY 14, 1980

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Calendar No. 756

96TH CONGRESS
2d Session

SENATE

REPORT
No. 96-705

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AMENDMENTS OF 1980

REPORT

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

ON

S. 2441

MAY 14 (legislative day, JANUARY 31), 1980.—Ordered to be printed

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[96th Congress]

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CONTENTS

	Page
Committee amendment	1
Purpose of amendment	5
Legislation considered by the committee	6
Senator Dole's proposal, S. 2434	6
Senator Bayh's proposal, S. 2441	6
Carter administration proposal, S. 2442	6
Explanation of committee amendment	6
Conclusion	8
Cost estimate	9
Regulatory impact	10
Committee action	10
Section-by-section analysis	10
Changes in existing law	12

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Calendar No. 756

96TH CONGRESS
2d Session

SENATE

REPORT
No. 96-705

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AMENDMENTS OF 1980

MAY 14 (legislative day, JANUARY 3), 1980.—Ordered to be printed

Mr. BAYH, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany S. 2441]

The Committee on the Judiciary, to which was referred the bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute, and recommends that the bill as amended do pass.

COMMITTEE AMENDMENT

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act shall be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980".

TITLE I—AMENDMENTS TO TITLE I OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended—

(1) by striking out "and" immediately after the semicolon in paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(8) the justice system should give additional attention to violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation.".

SEC. 102. (a) Paragraph 5 of section 103 of that Act is amended to read as follows:

"(5) the term "Administrator" means the agency head designated by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended;"

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(b) Section 103(7) of that Act is amended by inserting after "Pacific Islands" the following: "the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands,".

(c) Section 103(9) of that Act is amended by striking out "law enforcement" and inserting "juvenile justice".

(d) Section 103(11) of that Act is amended by inserting "special educational," immediately before "vocational".

(e) Section 103(12) of that Act is amended by striking out "and" immediately after the semicolon.

(f) Section 103(13) of that Act is amended—

(1) by inserting "special educational," immediately before "social"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and".

(g) Section 103 of that Act is amended by adding at the end thereof the following:

"(14) The term 'handicapping conditions' means the conditions described in the definition of the term 'handicapped children' in section 602(1) of the Education of the Handicapped Act (20 U.S.C. 1401).".

TITLE II—AMENDMENTS TO TITLE II OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 201. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Justice under the general authority of the Administrator of the Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the 'Office'). The Office shall be under the direction of an Administrator, who shall be nominated by the President by and with the advice and consent of the Senate. The Administrator shall administer the provisions of this Act through the Office. The Administrator shall have final authority to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants, cooperative agreements and contracts from, and applications for, funds made available under this title.

"(b) The Administrator may prescribe, in accordance with section 553 of title 5, United States Code, such rules and regulations as are necessary or appropriate to carry out the purposes of this title.".

(b) Section "201(e)" of that Act is renumbered "201(c)" and amended by striking out "of the Law Enforcement Assistance Administration".

(c) Section "201(f)" of that Act is renumbered "201(d)".

(d) A new subsection "(e)" is added to read as follows:

"(e) There shall be established in the Office a Legal Advisor who shall be appointed by the Administrator whose function shall be to supervise and direct the Legal Advisor Unit whose responsibilities shall include legal policy development, implementation, and dissemination and the coordination of such matters with all relevant departmental units. The Legal Advisor, when appropriate, shall consult with the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics on legal nonpolicy matters relating to the provisions of this Act.".

(e) Section "201(g)" of that Act is renumbered "201(f)" and amended by striking out "-five" and inserting "-six".

(f) New subsections "(g)" and "(h)" are added to read as follows:

"(g) The Administrator shall provide the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor with a detailed evaluation of the Rahway Juvenile Awareness Project, the so-called 'Scared-Straight' program or other similar programs, no later than June 30, 1981".

"(h) The Administrator, in cooperation with the Director of the Bureau of Indian Affairs, shall conduct a study of juvenile justice and delinquency prevention policies, programs, and practices affecting native Americans and shall report on the results of that study to the United States Senate Committee on the Judiciary and the United States House of Represenatives Committee on Education and Labor no later than December 31, 1981. Such report shall contain recommendations regarding actions which should be taken, including suggested legislation, and shall address, at a minimum, the nature and quality of juvenile programs on Indian reservations, the impact of Federal Government

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activities on such programs, the consistency of ongoing efforts with the objectives of the Juvenile Justice and Delinquency Prevention Act, and the juvenile justice relationships between Indian tribes and contiguous units of local government.".

SEC. 202. (a) Section 204(b) of that Act is amended by striking out ", with the assistance of Associate Administrator,".

(b) Section 204(g) of that Act is amended by striking out "Administration" and inserting "Office".

SEC. 203. Section 207(c) of that Act is amended by inserting "and other handicapping conditions" immediately after "learning disabilities".

SEC. 204. Section 208(d) of that Act is amended by striking out "Corrections" and inserting "Justice".

SEC. 205. (a) Section 222(a) of that Act is amended by striking the last "and" and inserting immediately after "Pacific Islands" the following: ", the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States,".

(b) Section 222(b) of that Act is amended by striking out "the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands" and inserting "as defined in section 103(7),".

SEC. 206. (a) Section 223(a) of that Act is amended to read as follows:

"(a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes in accordance with regulations established under this title, such plan must—".

(b) Section 223(a)(3)(iii) of that Act is amended by striking out "established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

(c) Section 223(a)(3)(iv) of that Act is amended by striking out "section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended," and inserting "section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended,".

(d) Section 223(a)(3)(B) of that Act is amended by inserting "special education," immediately before "or youth services departments".

(e) Section 223(a)(3)(C) of that Act is amended—

(1) by inserting "special education" immediately before "or social services for children"; and

(2) by inserting "and other handicapping conditions" immediately after "learning disabilities".

(f) Section 223(a)(15) of that Act is amended by striking out "mentally retarded and emotionally or physically".

(g) Section 223(a) of that Act is amended by striking out the last sentence.

(h) Section 223(c) of that Act is amended by striking out ", with the concurrence of the Associate Administrator,".

(i) Section 223(d) of that Act is amended by striking out ", in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968,".

SEC. 207. Section 224(a)(11) of that Act is amended by inserting "and other handicapping conditions" immediately after "learning disabilities".

SEC. 208. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by substituting "Priority Juvenile" for "Special Emphasis" each time it appears.

SEC. 209. Section 225(b)(5) and (6) of that Act is amended by striking out "planning agency" and inserting "advisory group".

SEC. 210. Section 225(b)(8) of that Act is amended by striking out "agency" the first time it appears and inserting "advisory group".

SEC. 211. (a) Section 228(b) of that Act is amended by striking out "not funded by the Law Enforcement Assistance Administration,".

(b) Section 228(g) of that Act is amended—

(1) by striking out "part" and inserting "title"; and

(2) by striking out "or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

SEC. 212. Section 241(c) of that Act is amended by striking out "Law Enforcement and Criminal".

(b) Section 241(d) of that Act is amended by inserting "and special educational" immediately after "other educational".

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SEC. 213. (a) Section 261(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $150,000,000 for each of the fiscal years ending September 30, 1981 and 1982, $175,000,000 for the fiscal year ending September 30, 1983, and $200,000,000 for each of the fiscal years ending September 30, 1984 and 1985. Appropriated funds not obligated by the end of each fiscal year, shall be allocated directly to the States participating in the Act on the basis of relative population of people under age eighteen for the purpose of implementing section 223(a)(13), no later than January 1, of the subsequent fiscal year.".

(b) Section 261(b) of that Act is amended to read as follows:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, for juvenile delinquency programs, with emphasis on programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation. This subsection shall be waived when the total appropriations for each fiscal year under Title I of the Omnibus Crime Control and Safe Streets Act of 1968 do not exceed $150,000,000. Implementation, including guidelines, of this subsection shall be the responsibility of the Administrator of the Office.".

SEC. 214. Section 262 of that Act is amended to read as follows:

"SEC. 262. Of the appropriation for the Office under this Act, there shall be allocated an adequate amount for administrative expenses other than those support services performed for the Office by the Office of Justice Assistance, Research, and Statistics.".

SEC. 215. Section 263 (a), (b), and (c) of that Act are amended to read as follows:

"SEC. 263. The amendments made by the Juvenile Justice and Delinquency Prevention Act Amendments of 1980 shall take effect upon enactment.".

TITLE III—AMENDMENTS TO THE RUNAWAY YOUTH ACT

SEC. 301. Amend the caption "TITLE III—RUNAWAY YOUTH" by inserting "AND HOMELESS" immediately after "RUNAWAY".

SEC. 302. Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "and Homeless" immediately after "Runaway.".

SEC. 303. (a) Section 302(1) of that Act is amended by adding "or who are otherwise homeless" after "permission".

(b) Section 302(2) of that Act is amended by adding "and homeless" after "runaway".

SEC. 304. (a) Section 311 of that Act is amended by inserting "(a)" immediately after "SEC. 311.".

(b) Section 311 of that Act is amended by adding at the end thereof the following:

"(b) The Secretary is authorized to make grants for the purposes of providing a national telephone communications system to link runaway and homeless youths with their families and with service providers.

"(c)(1) In addition, the Secretary is authorized to make grants and to enter into contracts with governmental and nonprofit private agencies for the purposes of providing counseling and other services to meet the immediate needs of runaway or otherwise homeless youth, youth in trouble or in crisis, and the families of such youth, in a manner which is outside the law enforcement structure and juvenile justice system.

"(2) The Secretary may provide technical assistance and training to such agencies who receive grants or enter into contracts under this subsection.

"(3) The size of the grant or contract shall be determined by the number of such youth and families in the community and the existing availability of such services.".

SEC. 305. (a) Section 312(a) of that Act is amended by striking the period and inserting "or who are otherwise homeless.".

(b) Section 312(b)(5) of that Act is amended by inserting "and homeless" after "runaway" the first time it appears.

SEC. 306. (a) Section 315(1) of that Act is amended by adding "and homeless" after "runaway".

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(b) Section 315 of that Act is amended—

(1) by inserting "(a)" immediately after "SEC. 315."; and

(2) by adding at the end thereof the following:

"(b) The Secretary is authorized to design the information instruments required to collect any information necessary to comply with the reporting requirements of this section, and to assess the need for, and to determine the effectiveness of, programs and services funded under this part.".

SEC. 307. Section 341(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of part A of this title there is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, 1984, and 1985.".

TITLE IV—MISCELLANEOUS CONFORMING AMENDMENTS

SEC. 401. Section 5316 of title 5, United States Code, is amended by striking out "Associate Administrator, Office of Juvenile Justice and Delinquency Prevention" and inserting "Administrator, Office of Juvenile Justice and Delinquency Prevention,".

SEC. 402. Section 4351(b) of title 18, United States Code, is amended by striking out "Associate".

SEC. 403. Section 1002 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 1002. In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under this title, for juvenile delinquency programs, with emphasis on programs aimed to curb violent crimes committee by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation. This section shall be waived when the total appropriations for each fiscal year under this title do not exceed $150,000,000. Implementation, including guidelines, of this section shall be the responsibility of the Administrator of the Office.".

SEC. 404. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "Associate" each time it appears.

PURPOSE OF AMENDMENT

The Committee bill, as amended is designed to strengthen, stabilize and extend for five years the program established by the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93–415) as amended in 1977 (Public Law 95–115). The intent of the 1974 legislation was to provide Federal leadership and coordination of the resources necessary to develop and implement effective programs for the prevention and treatment of juvenile delinquency at the State and local community level. The Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration of the Department of Justice was given responsibility for implementing this program. Through substantial grants to States, local governments, and public and private agencies, it is the role of the Office to encourage development of economical and comprehensive programs and services.

The Committee bill should continue to enable the objectives of the program to be achieved. Comprehensive programs and services to prevent juvenile delinquency have already shown improvement since 1974 and will be further encouraged, additional efforts to curb youth violence will be supported, as well as programs to curb discrimination in the system for young girls, minorities, and the handicapped, increased numbers of juveniles will be able to be diverted from the juvenile

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justice system and alternatives to traditional detention and correctional facilities used for confinement of juveniles will be more adequately developed.

Title III of the 1974 Act is reauthorized and renamed by the Committee bill as the Runaway and Homeless Youth Act.

Legislation Considered by the Committee

During two days of hearings held March 26 and 27, 1980, forty-five witnesses provided testimony on the three bills to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974: S. 2434, introduced by Senator Robert Dole: S. 2441, introduced by Senator Birch Bayh; and S. 2442, introduced by Senator Bayh on request of the Administration. The Committee Amendment incorporated concepts and provisions from each of the considered measures, witnesses and other organizations.

Explanation of Committee Amendment

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Committee has carefully reviewed the role of the Office of Juvenile Justice and Delinquency Prevention and its executive head, the Associate Administrator. Congress fully intended in 1974 and 1977 that the Administration administer the Juvenile Justice and Delinquency Prevention Act program through the new Office. Section 820 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1979, retains this intent by specifying that all programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the Office of Juvenile Justice and Delinquency Prevention to carry out the mandates of the Juvenile Justice and Delinquency Prevention Act of 1974.

The oversight hearings held by the Subcommittee to Investigate Juvenile Delinquency on the implementation of the 1974 and 1977 Acts from 1975 through 1977 and the oversight hearings held in 1980 by the Committee on the Judiciary established that the Administrator failed to delegate sufficient authority for the Associate Administrator to fully implement this program. While the Office did a relatively effective job of getting the new program off the ground under difficult circumstances, and to keep it operating as efficiently as possible, it is the Committee's view that mandated statutory support of the Office's Administration of the Program will greatly enhance the future ability of the Office to implement the program as intended by Congress.

Therefore, the Committee Amendment specifically delegates authority regarding all administrative, managerial, operational and policy responsibilities for the Juvenile Justice and Delinquency Prevention Act to the Administrator of the Office of Juvenile Justice and Delinquency Prevention. In order to insure effective implementation of this provision the legal advisor unit is reestablished in the Office.

Unobligated funds

A key provision in S. 2441, as introduced, required that appropriated funds under the Juvenile Justice Act, not obligated by the end of

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each fiscal year shall be transferred to programs funded under title III—the Runaway and Homeless Youth Act. Historically the juvenile justice program had a rocky beginning which resulted in its failure to properly obligate its funds, even though the necessary program applications were available to the Office of Juvenile Justice and Delinquency Prevention. Fortunately, in 1978 the three-year backlog of funds was obligated and off the Washington desk at the Office of Juvenile Justice. However, within the past year the obligation rate has diminished substantially, with the prospect of a significant carryover. The Runaway Youth Act had not experienced any such problem. However, the Committee Amendment mandates that any unobligated Juvenile Justice funds shall be used to implement section 223(a)(13). Such funds will be allocated to the States participating in the Act on the basis of relative population of people under the age of eighteen.

The Committee is concerned that this important provision of the 1974 Act, which was intended to prohibit the placement of juveniles in any adult facility, including jails, has not been properly implemented. In fact, during the March hearings the Department of Justice revealed that six years after this section became law only ten States even report compliance with this laudatory provision. Of similar concern is that such disappointing progress relates to a standard of "sight and sound" developed by the Department of Justice, rather than the fuller prohibition intended by the 1974 Act. In that regard it was never intended that the words "regular contact" in Section 223(a)(13) allow less than full compliance, as does the "sight and sound" standard. The prohibition on "regular contact" was designed to allow commingling of juveniles and adults under specialized circumstances such as a short-term employment training program in order to avoid costly duplication.

It is obvious to the Committee that much remains to be done to make the 1974 Act programs a reality. The allocation of unobligated funds for this worthy, but somewhat neglected objective is particularly appropriate.

Maintenance of effort

The Committee amendment retains the current provision of law that requires at least 19.15 percent of the total appropriation under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, be spent for juvenile delinquency programs, with emphasis on programs aimed at curbing violent crimes committed by juveniles. The Committee acknowledges that violent juvenile offenders should be given an increased focus, but given the comparable competing interests it was felt that requiring all of the maintenance of effort funds for this particular focus would be excession. In addition, the Committee amendment waives the maintenance of effort provision when the total appropriations under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, does not exceed $150,000,000 during any fiscal year.

Citizen participation

The Committee Amendment improves the Act's citizen participation provisions. Under the Committee Amendment, the citizen groups,

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namely the State Advisory Groups, will work more closely with the State agency perspective applicants and others interested in the Juvenile Justice program.

Reports and studies

The Committee amendment requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to provide a detailed evaluation of the scared-straight type programs for juveniles to the Congress by June 30, 1981. In addition, a study of juvenile justice and delinquency prevention policies, programs and practices affecting Native Americans is to be completed and submitted to Congress by December 31, 1981.

Title III—Runaway Youth Act Amendments

This program's title is amended by the Committee Amendment to reflect the 1977 Act's homeless youth focus. Thus, entitled the Runaway and Homeless Youth Act. The Committee amendment makes statutory the authority for the Secretary of Health, Education, and Welfare to continue to fund national telephone networks to link runaway, homeless, neglected and abused youth with their families and service providers. It further, expands the client population eligible for service and stimulate the strengthening of governmental and private sector programs for youth and families in need of service. The Secretary will continue through the Administration for Children, Youth and Families to collect any information necessary to report on and assess the need for programs and services funded under this title.

The Committee bill authorized funding for Title III at the same level as the 1977 Act of $25 million per year for each of five fiscal years, 1981 through 1985.

Juvenile Justice Act authorization

If one merely looks at the extent and cost of juvenile crime and at all the needs that are not met by current programs, one could easily conclude that the authorization levels for this Act should be doubled or tripled. It is the responsibility of this Committee, however, to insure that juvenile justice programs are developed in an orderly fashion and that all moneys are spent effectively, timely and wisely. Therefore the Committee has suggested authorization levels that provide for the orderly growth of these programs over the next five years. As reported by the Committee, S. 2441, would authorize for each of fiscal years 1981 through 1985 levels of $150 million, $150 million, $175 million, $200 million and $200 million respectively.

The Committee further contemplates that the Subcommittee on the Constitution will pursue its oversight responsibilities in a vigorous manner so as to assure that the Office of Juvenile Justice and Delinquency Prevention expends the newly authorized funds in a fiscally sound manner consistent with the primary goals of the 1974 Act in order to assure complete implementation of the Juvenile Justice and Delinquency Prevention Act.

Conclusion

The Committee believes that S. 2441, as amended, will make more accountable and thereby strengthen the program established by the Juvenile Justice and Delinquency Prevention Act of 1974. The Com-

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mittee bill reflects recommendations included in S. 2441, as introduced, S. 2434, Senator Dole's bill, S. 2442, the Administration bill, and the comments of many interested public and private representatives.

The Federal Government has an important responsibility to provide the leadership and coordination to assist and encourage the development of sensible, humane, and more economical responses to juvenile delinquency. There are no panaceas. A reauthorization of the 1974 Juvenile Justice and Delinquency Prevention Act will be an important step. There must be a commitment by all our citizens to begin to resolve the legal and social problems and attitudes relevant to children in trouble. Alternatives to unsound policies must be developed and encouraged. Many States, localities and private interest are already beginning to redirect and increase their efforts. The Juvenile Justice Act has contributed to this progress. The Committee believes that S. 2441, as amended, further emphasizes the type of commitment that is requisite. Passage of the bill will refocus this clear product of a bipartisan Congressional and citizen initiative to further reduce crime and delinquency in this country.

Cost Estimate

CONGRESSIONAL BUDGET OFFICE

May 8, 1980.

1. Bill number: S. 2441.

2. Bill title: Juvenile Justice and Delinquency Prevention Act Amendments of 1980.

3. Bill status: As ordered reported by the Senate Committee on the Judiciary, May 7, 1980.

4. Bill purpose: The purpose of this legislation is to authorize the appropriation of funds for juvenile justice and delinquency prevention and runaway and homeless youth programs. Specifically, the bill authorizes $150 million for each of the fiscal years 1981 and 1982, $175 million for fiscal year 1983, and $200 million for each of the fiscal years 1984 and 1985 for juvenile justice programs, and $25 million each year for the same period for youth programs.

5. Cost estimate (by fiscal years):

	Millions
Authorization level:	
1981	$175
1982	175
1983	200
1984	225
1985	225
Estimated outlays:	
1981	102
1982	175
1983	190
1984	215
1985	225

The costs of this bill fall primarily within budget function 750.

6. Basis of estimate: For the purpose of this estimate, it has been assumed that the full amounts authorized for each fiscal year will be appropriated. Estimated outlays are based on information obtained from the Justice Department and on historical spending patterns which indicate that approximately 60 percent of each year's funds for

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the juvenile justice programs are spent in the first year, and 40 percent in the second year. The runaway and homeless youth programs are estimated to spend 50 percent of their funds in the first year, and the remaining 50 percent in the second year.

7. Estimate comparison: None.

8. Previous CBO estimate: On May 6, 1980, the CBO prepared an estimate of the costs of H.R. 6704, a similar bill, as ordered reported by the House Committee on Education and Labor. The House bill authorized a total of $225 million in each of the fiscal years 1981 through 1984, and outlays were estimated to be $130 million in 1981, $225 million in each of the fiscal years 1982 through 1984, and $95 million in 1985.

9. Estimate prepared by: Kathy Weiss.

10. Estimate approved by:

C. G. NUCKOLS
(For James L. Blum,
Assistant Director for Budget Analysis).

REGULATORY IMPACT

In compliance with paragraph 5, Rule XXIX of the Standing Rules of the Senate, the Committee has concluded that the bill will have little or no direct regulatory impact.

COMMITTEE ACTION

Pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended (Public Law 91-510), the Committee motion to report S. 2441, as amended in the nature of a substitute, to the Senate carried unanimously.

SECTION-BY-SECTION ANALYSIS

Section 1 provides that that Act shall be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980."

Section 101 amends Title I of the Juvenile Justice and Delinquency Prevention Act of 1974 to add an additional declaration of purpose. The new section 101(a)(8) adds a Congressional declaration of purpose that the justice system should give additional attention to the problem of violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation.

Section 102(a) amends paragraph (5) of section 103 which defines the term "Administrator" as the agency head designated by Section 201(a) of the Juvenile Justice and Delinquency Act of 1974, as amended.

Section 102(b) amends section 103(7) to list additional territories that qualify as "States" eligible for funding under the Act.

Section 102(c) amends section 103(9), a technical amendment.

Section 102(d) through (g) amends section 103(1), (12) and (13) and adds a new section (14) to assure that community based programs and treatment may include special education and that handicapping

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conditions means the conditions defined in the term handicapped children in the Education of the Handicapped Act.

Section 201 amends Title II, Part A of the Act in four ways:

(1) It delegates all final authority to the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

(2) It requires the Administrator of OJJDP to appoint the two statutory Deputies, as well as the newly created Legal Advisor.

(3) It requires the Administrator of OJJDP to provide a detailed evaluation of "Scared-Straight"-type programs to the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor, no later than June 30, 1981.

(4) It requires the Administrator to conduct a study of juvenile justice and delinquency prevention policies, programs and practices affecting native Americans and shall report on the results of that study to the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor, no later than December 31, 1981.

Section 202 amends Title II, technical amendment.

Section 203 amends section 207(c) to include persons eligible for membership on the National Advisory Committee who have special experience in addressing the problems of handicapping conditions.

Section 204 amends Title II, technical amendment.

Sections 205 and 206 amend Title II, Part B, Subpart I related to block grant Federal Assistance for State and Local Programs, technical amendments.

Section 207 amends section 224(a)(11) to develop and implement programs relating to juvenile delinquency and handicapped conditions.

Section 208 amends Title II, Part B, Subpart II related to discretionary grant Federal Assistance for Priority Juvenile Prevention and Treatment Programs, technical amendments.

Sections 209 and 210 amend sections 225(b)(5), (6), and (8) to increase citizen participation in the operation of the program.

Sections 211 and 212 amend section 228(g) and 241 (c) and (d), technical amendments.

Section 213 amends Title II, Part D, Administrative Provisions, in four ways:

(1) It provides a five-year authorization with an appropriation level of $150 million for each of fiscal years 1981 and 1982, $175 million for fiscal year 1983, and $200 million for each of fiscal years 1984 and 1985, section 261(a).

(2) It requires that appropriated funds not obligated by the end of each fiscal year shall be allocated directly to the States participating in the Act on the basis of relative population of people under eighteen years of age no later than January 1 of the next fiscal year, for the purpose of implementing section 223(a)(13), section 261(a).

(3) It requires that maintenance of effort funds, 19.15 percent of the total appropriations of Title I of the Omnibus Crime Con-

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trol and Safe Streets Act of 1968, as amended, shall be maintained for juvenile delinquency programs, with emphasis on programs aimed to curb crimes of violence by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy-adjudication, sentencing and rehabilitation. Included, is a waiver of this provision when the total appropriations for any fiscal year for title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, do not exceed $150,000,000.

(4) It requires the Administrator of OJJDP to implement and be responsible for section 261(b).

Section 214 amends section 262, to provide adequate administrative support for the Office.

Section 215 amends section 263 to require that amendments made by the Juvenile Justice and Delinquency Prevention Act Amendments of 1980 shall take effect on the date of enactment.

Sections 301, 302 and 308 amend Title III of the Act to reflect the 1977 Act's homeless youth program authority.

Section 304 amends section 311 to authorize the Secretary to make grants to link runaway and homeless youth with their families and service providers through the use of a National hot-line telephone network. It further authorizes the Secretary to expand the client population eligible for service and stimulate the strengthening of governmental and private sector programs for youth and families in need of service.

Sections 305 and 306 amend sections 312(a), (b)(5) and section 315 (1) to reflect the 1977 Act's homeless youth program authority. It further amends section 315 to authorize the Secretary to continue to collect information to report and assess the need for programs and services funded under title III.

Section 307 amends Title III, Part D, Authorization of Appropriations, to provide a five-year authorization with an appropriation level of $25 million per year for each of fiscal years 1981 through 1985.

Sections 401 and 402 amend Title 5 and Title 18 of the United States Code, technical amendments.

Section 403 amends section 1002 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, a technical amendment.

Section 404 amends the Act to carry out the delegation of authority for the Admir istrator of the Office.

Changes in Existing Law

In the interest of economy the Committee waived subsection (4) of Rule XXIX of the Standing Rules of the Senate. To reprint the current law with the proposed amendment in italics would be very lengthy.

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SENATE DEBATE AND PASSAGE OF S. 2441, A BILL TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974, MAY 20, 1980

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT AMENDMENTS OF 1980

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the pending measure be temporarily laid aside and that the Senate proceed with the other measure, S. 2441.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary with an amendment to strike all after the enacting clause and insert the following:

SHORT TITLE

SECTION 1. This Act shall be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980".

TITLE I—AMENDMENTS TO TITLE I OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended—

(1) by striking out "and" immediately after the semicolon in paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(8) the justice system should give additional attention to violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation.".

SEC. 102. (a) Paragraphs 5 of section 103 of that Act is amended to read as follows:

"(5) the term 'Administrator' means the agency head designated by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended;"

(b) Section 103(7) of that Act is amended by inserting after "Pacific Islands" the following: "the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands,".

(c) Section 103(9) of that Act is amended by striking out "law enforcement" and inserting "juvenile justice".

(d) Section 103(1) of that Act is amended by inserting "special educational," immediately before "vocational".

(e) Section 103(12) of that Act is amended by striking out "and" immediately after the semicolon.

(f) Section 103(13) of that Act is amended

(1) by inserting "special educational," immediately before "social"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and".

(g) Section 103 of that Act is amended by adding at the end thereof the following:

"(14) The term 'handicapping conditions' means the conditions described in the definition of the term 'handicapped children' in section 602(1) of the Education of the Handicapped Act (20 U.S.C. 1401).".

TITLE II—AMENDMENTS TO TITLE II OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 201. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Justice under the general authority of the Administrator of the Law Enforcement Assistance Administration, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the 'Office'). The Office shall be under the direction of an Administrator, who will be nominated by the President by and with the advice and consent of the Senate. The Administrator shall administer the provisions of this Act through the Office. The Administrator shall have final authority to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants, cooperative agreements and contracts from, and applications for, funds made available under this title.

"(b) The Administrator may prescribe, in accordance with section 553 of title 5, United States Code, such rules and regulations as are necessary or appropriate to carry out the purposes of this title.".

(b) Section "201(e)" of that Act is renumbered "201(c)" and amended by striking out "of the Law Enforcement Assistance Administration".

(c) Section "201(f)" of that Act is renumbered "201(d)".

(d) A new subsection "(e)" is added to read as follows:

"(e) There shall be established in the Office a Legal Advisor who shall be appointed by the administrator whose function shall be to supervise and direct the Legal Advisor Unit whose responsibilities shall include legal policy development, implementation, and dissemination and the coordination of such matters with all relevant departmental units. The Legal Advisor, when appropriate, shall consult with the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics on legal nonpolicy matters relating to the provisions of this Act.".

(e) Section "201(g)" of that Act is renumbered "201(f)" and amended by striking out "-five" and inserting "-six".

(f) New subsections "(g)" and "(h)" are added to read as follows:

"(g) The Administrator shall provide the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor with a detailed evaluation of the Rahway Juvenile Awareness Project, the so-called 'Scared-Straight' program or other

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similar programs, no later than June 30, 1981.

"(h) The administrator, in cooperation with the Director of the Bureau of Indian Affairs, shall conduct a study of juvenile justice and delinquency prevention policies, programs, and practices affecting native Americans and shall report on the results of that study to the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor no later than December 31, 1981. Such report shall contain recommendations regarding actions which should be taken, including suggested legislation, and shall address, at a minimum, the nature and quality of juvenile programs on Indian reservations, the impact of Federal Government activities on such programs, the consistency of ongoing efforts with the objectives of the Juvenile Justice and Delinquency Prevention Act, and the juvenile justice relationships between Indian tribes and contiguous units of local government.".

SEC. 202. (a) Section 204(b) of that Act is amended by striking out ", with the assistance of Associate Administrator,".

(b) Section 204(g) of that Act is amended by striking out "Administration" and inserting "Office".

SEC. 203. Section 207(c) of that Act is amended by inserting "and other handicapping conditions" immediately after "learning disabilities".

SEC. 204. Section 208(d) of that Act is amended by striking out "Corrections" and inserting "Justice".

SEC. 205. (a) Section 222(a) of that Act is amended by striking the last "and" and inserting immediately after "Pacific Islands" the following: ", the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States,".

(b) Section 222(b) of that Act is amended by striking out "the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands" and inserting "as defined in section 103(7),".

SEC. 206. (a) Section 223(a) of the Act is amended to read as follows:

"(a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes in accordance with regulations established under this title, such plan must—".

(b) Section 223(a)(3)(iii) of that Act is amended by striking out "established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

(c) Section 223(a)(3)(iv) of that Act is amended by striking out "section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended," and inserting "section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended,".

(d) Section 223(a)(3)(B) of that Act is amended by inserting "special education," immediately before "or youth services departments"

(e) Section 223(a)(3)(C) of that Act is amended—

(1) by inserting "special education" immediately before "or social services for children"; and

(2) by inserting "and other handicapping conditions" immediately after "learning disabilities".

(f) Section 223(a)(15) of that Act is amended by striking out "mentally retarded and emotionally or physically".

(g) Section 223(a) of that Act is amended by striking out the last sentence.

(h) Section 223(c) of that Act is amended by striking out ", with the concurrence of the Associate Administrator,".

(i) Section 223(d) of that Act is amended by striking out ", in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968,".

SEC. 207. Section 224(a)(11) of that Act is amended by inserting "and other handicapping conditions" immediately after "learning disabilities".

SEC. 208. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by substituting "Priority Juvenile" for "Special Emphasis" each time it appears.

SEC. 209. Section 225(b)(5) and (6) of that Act is amended by striking out "planning agency" and inserting "advisory group".

SEC. 210. Section 225(b)(8) of that Act is amended by striking out "agency" the first time it appears and inserting "advisory group".

SEC. 211. (a) Section 228(b) of that Act is amended by striking out "not funded by the Law Enforcement Assistance Administration,".

(b) Section 228(g) of that Act is amended—

(1) by striking out "part" and inserting "title"; and

(2) by striking out "or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

SEC. 212. (a) Section 241(c) of that Act is amended by striking out "Law Enforcement and Criminal".

(b) Section 241(d) of that Act is amended by inserting "and special educational" immediately after "other educational".

SEC. 213. (a) Section 261(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of this title there is authorized to be appropriated $150,000,000 for each of the fiscal years ending September 30, 1981 and 1982, $175,000,000 for the fiscal year ending September 30, 1983, and $200,000,000 for each of the fiscal years ending September 30, 1984 and 1985. Appropriated funds not obligated by the end of each fiscal year, shall be allocated directly to the States participating in the Act on the basis of relative population of people under age eighteen for the purpose of implementing section 223(a)(13), no later than January 1, of the subsequent fiscal year.".

(b) Section 261(b) of that Act is amended to read as follows:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under title I of the Omnibus Crime Control and Safe Streets Act of 1968, for juvenile delinquency programs, with emphasis on programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation. This subsection shall be waived when the total appropriations for each fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 do not exceed $150,000,000. Implementation, including guidelines of this subsection shall be the responsibility of the Administrator of the Office.".

SEC. 214. Section 262 of that Act is amended to read as follows:

"SEC. 262. Of the appropriation for the Office under this Act, there shall be allocated an adequate amount for administrative expenses other than those support services performed for the Office by the Office of Justice Assistance, Research, and Statistics.".

SEC. 215. Section 262 (a), (b), and (c) of that Act are amended to read as follows:

"SEC. 263. The amendments made by the Juvenile Justice and Delinquency Prevention Act Amendments of 1980 shall take effect upon enactment.".

TITLE III—AMENDMENTS TO THE RUNAWAY YOUTH ACT

SEC. 301. Amend the caption "TITLE III—RUNAWAY YOUTH" by inserting "AND HOMELESS" immediately after "RUNAWAY".

SEC. 302. Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "and Homeless" immediately after "Runaway,".

SEC. 303. (a) Section 302(1) of that Act is amended by adding "or who are otherwise homeless" after "permission".

(b) Section 302(2) of that Act is amended by adding "and homeless" after "runaway".

SEC. 304. (a) Section 311 of that Act is amended by inserting "(a)" immediately after "SEC. 311.".

(b) Section 311 of that Act is amended by adding at the end thereof the following:

"(b) The Secretary is authorized to make grants for the purposes of providing a national telephone communications system to link runaway and homeless youths with their families and with service providers.

"(c)(1) In addition, the Secretary is authorized to make grants and to enter into contracts with governmental and nonprofit private agencies for the purposes of providing counseling and other services to meet the immediate needs of runaway or otherwise homeless youth, youth in trouble or in crisis, and the families of such youth, in a manner which is outside the law enforcement structure and juvenile justice system.

"(2) The Secretary may provide technical assistance and training to such agencies who receive grants or enter into contracts under this subsection.

"(3) The size of the grant or contract shall be determined by the number of such youth and families in the community and the existing availability of such services.".

SEC. 305. (a) Section 312(a) of that Act is amended by striking the period and inserting "or who are otherwise homeless.".

(b) Section 312(b)(5) of that Act is amended by inserting "and homeless" after "runaway" the first time it appears.

SEC. 306. (a) Section 315(1) of that Act is amended by adding "and homeless" after "runaway".

(b) Section 315 of that Act is amended—

(1) by inserting "(a)" immediately after "SEC. 315."; and

(2) by adding at the end thereof the following:

"(b) The Secretary is authorized to design the information instruments required to collect any information necessary to comply with the reporting requirements of this section, and to assess the need for, and to determine the effectiveness of, programs and services funded under this part.".

SEC. 307. Section 341(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of part A of this title there is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, 1984, and 1985.".

TITLE IV—MISCELLANEOUS CONFORMING AMENDMENTS

SEC. 401. Section 5316 of title 5, United States Code, is amended by striking out "Associate Administrator, Office of Juvenile Justice and Delinquency Prevention" and inserting "Administrator, Office of Juvenile Justice and Delinquency Prevention,".

SEC. 402. Section 4351(b) of title 18, United States Code, is amended by striking out "Associate".

SEC. 403. Section 1002 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 1002. In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15

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per centum of the total appropriations under this title, for juvenile delinquency programs, with emphasis on programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation. This section shall be waived when the total appropriations for each fiscal year under this title do not exceed $150,000,000. Implementation, including guidelines, of this section shall be the responsibility of the Administrator of the Office.".

SEC. 404. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "Associate" each time it appears.

Mr. BAYH. Mr. President, as chairman of the Subcommittee on the Constitution, Committee on the Judiciary, I urge the Senate to adopt the Juvenile Justice and Delinquency Prevention Act Amendments of 1980 (S. 2441, as amended). This bill would extend the Juvenile Justice and Delinquency Prevention Act of 1974, including the Runaway Youth Act for 5 years, from fiscal year 1981 through fiscal year 1985. On May 7, 1980, the Committee on the Judiciary voted unanimously to report this bill favorably to the Senate. The cosponsors of S. 2441, as reported include Mr. KENNEDY, Mr. CULVER, Mr. DECONCINI, Mr. BAUCUS, Mr. MATHIAS, and Mr. DOLE.

Mr. President, this bill is designed to strengthen and stabilize our 6-year congressional commitment to the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) while at the same time mandating that the Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has final accountability and responsibility for implementing the juvenile justice provisions of this act. Section 820 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1979, also retains this intent by specifying that all programs concerned with juvenile delinquency and administered by the Administrator of the Law Enforcement Assistance Administration shall be administered or subject to the policy direction of the Office of Juvenile Justice and Delinquency Prevention to carry out the mandates of the 1974 act.

In 1974, the Congress established juvenile crime prevention as the Federal crime priority. The 1974 act was the product of a 4-year bipartisan effort, which I was privileged to lead, to improve the quality of juvenile justice throughout the United States and to overhaul the Federal response to juvenile delinquency. The 1974 act was passed by a vote of 88 to 1 in this body.

In 1977, the Congress, by a unanimous vote, reauthorized the Juvenile Justice Act for 3 additional years to stabilize and revitalize our juvenile crime program. The bipartisan nature of this act's support from 1970 to the present is reflected in the act's cosponsors in this body over the years—Mr. Hruska, Mr. MATHIAS, Mr. Cook, Mr. McClellan, Mr. Fong, Mr. Phillip Hart, Mr. Hugh Scott, Mr. KENNEDY, Mr. THURMOND, Mr. BURDICK, Mr. Gurney, Mr. Abourezk, Mr. Bible, Mr. Brock, Mr. Case, Mr. CHURCH, Mr. Clark, Mr. CRANSTON, Mr. GRAVEL, Mr. Hubert Humphrey, Mr. McGee, Mr. Montoya, Mr. Moss, Mr. Pastore, Mr. RANDOLPH, Mr. RIBICOFF, Mr. MONDALE, Mr. CANNON, Mr. EASTLAND, Mr. CULVER, Mr. DECONCINI, Mr. HATFIELD, Mr. LEAHY, Mr. MAGNUSON, Mr. MATSUNAGA, Mr. METZENBAUM, Mr. PELL, Mr. STEVENS, and Mr. HEINZ.

I originally introduced this measure as S. 3148 during the 92d Congress when it received strong support from youth-serving organizations and juvenile delinquency experts around the country. I reintroduced S. 821 on February 8, 1973, and S. 1021 on March 17, 1977.

The Senate Subcommittee to Investigate Juvenile Delinquency of which I was chairman, held extensive hearings that demonstrated the desparate need for this legislation. Expert witnesses, including State and local officials, representatives of private agencies, social workers, sociologists, criminologists, judges, and criminal justice planners testified on the terrible problems of the juvenile justice system which did not provide individual justice, effective help to juveniles, or protection for our communities. In particular, they repeatedly emphasized that large custodial institutions such as reformatories and training schools were nothing more than schools of crime, where juveniles learned the skills of the experienced criminal.

A clear consensus emerged supporting strong incentives for State and local governments to develop community-based programs and services as alternatives to training schools for many youngsters. This consensus was further expressed by the National Advisory Commission on Criminal Justice Standards and Goals which recommended that no new major institutions for juveniles should be built under any circumstances. The Commission provided additional support for the philosophy of the legislation that many delinquents, but especially noncriminal status offenders and neglected or dependent children, who had previously been institutionalized could be helped successfully in community settings.

During the early 1970's the hearings and investigations in Washington and throughout the country by the Subcommittee to Investigate Juvenile Delinquency (abolished in 1979 with the juvenile jurisdiction transferred to the Subcommittee on the Constitution) led me to two important conclusions.

The first is that our past system of juvenile justice was geared primarily to react to youthful offenders rather than to prevent the youthful offense.

Second, the evidence was overwhelming that the system failed at the crucial point when a youngster first got into trouble. The juvenile who took a car for a joy ride, or vandalized school property, or viewed shoplifting as a lark, was confronted by a system of justice often completely incapable of responding in a constructive manner.

However, during the late 1970's and this new decade, we have begun to build on our past experiences with the act making substantial progress not only at the Federal level, but especially at the State and local level. We intend that the Juvenile Justice Office be an advocate for the families and youth of our States, while at the same time protecting their human, constitutional and legal rights.

During our 2 days of hearings held March 26 and 27, 1980, over 45 witnesses provided testimony on three bills pending before the Judiciary Committee to reauthorize the act. Judge Carl Guernsey, president of the National Council of Juvenile and Family Court Judges testified that the act had a positive impact on lowering the increase of juvenile crime from an increase of 15 percent prior to 1974 to an increase of less than 1 percent from 1974 to the present.

In 1974 the act established a runaway youth program which was expanded in 1977 to include homeless, neglected and abused youth. This program provides temporary shelter and counseling for thousands of young runaways and other homeless youth and attempts to reunite these children with their parents. The Runaway Youth Act is retained and administered by HEW's Administration for Children, Youth and Families, Runaway and Homeless Youth Division. The Runaway Act is renamed the Runaway and Homeless Youth Act to reflect the act's homeless, neglected and abused youth program authority. S. 2441, as amended, also classifies the Secretary's authority to continue to fund national telephone networks to link runaway, homeless, neglected and abused youth with their families and service providers.

Mr. President, the 1974 act has dramatically improved the Nation's programs for the prevention and treatment of juvenile delinquency, but we must continue these efforts if we are to benefit fully from the act's mandates. After careful study of the implementation of the 1974 act and 1977 amendments, the Committee on the Judiciary has made several changes to improve the effectiveness of the act.

The major changes recommended in S. 2441, as amended are:

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Committee has carefully reviewed the role of the Office of Juvenile Justice and Delinquency Prevention and its executive head, the Associate Administrator. Congress fully intended in 1974 and 1977 that the Administration administer the Juvenile Justice and Delinquency Prevention Act program through the new Office. Section 820 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended in 1979, retains this intent by specifying that all programs concerned with juvenile delinquency and administered by the Administration shall be administered or subject to the policy direction of the Office of Juvenile Justice and Delinquency Prevention to carry out the mandates of the Juvenile Justice and Delinquency Prevention Act of 1974.

The oversight hearings held by the Subcommittee to Investigate Juvenile Delinquency on the implementation of the 1974 and 1977 Acts from 1975 through 1977 and the oversight hearings held in 1980 by the Committee on the Judiciary established that the Administrator failed to delegate sufficient authority for the Associate Administrator to fully implement this program. While the Office did a relatively effective job of getting the new program off the ground under difficult circumstances, and to keep it operating as efficiently as possible, it is the Committee's view that mandated statutory support of the Office's Administration of the

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Program will greatly enhance the future ability of the Office to implement the program as intended by Congress.

Therefore, the Committee Amendment specifically delegates authority regarding all administrative, managerial, operational and policy responsibilities for the Juvenile Justice and Delinquency Prevention Act to the Administrator of the Office of Juvenile Justice and Delinquency Prevention. In order to insure effective implementation of this provision the legal advisor unit is reestablished in the Office.

Unobligated funds

A key provision in S. 2441, as introduced, required that appropriated funds under the Juvenile Justice Act, not obligated by the end of each fiscal year shall be transferred to programs funded under title III—the Runaway and Homeless Youth Act. Historically the juvenile justice program had a rocky beginning which resulted in its failure to properly obligate its funds, even though the necessary program applications weer available to the Office of Juvenile Justice and Delinqnecy Prevention. Fortunately, in 1978 the three-year backlog of funds was obligated and off the Washington desk at the Office of Juvenile Justice. However, within the past year the obligation rate has diminished substantially, with the prospect of a significant carryover. The Runaway Youth Act had not experienced any such problem. However, the Committee Amendment mandates that any unobligated Juvenile Justice funds shall be used to implement section 223(a)(13). Such funds will be allocated to the States participating in the Act on the basis of relative population of people under the age of eighteen.

The Committee is concerned that this important provision of the 1974 Act, which was intended to prohibit the placement of juveniles in any adult facility, including jails, has not been properly implemented. In fact, during the March hearings the Department of Justice revealed that six years after this section became law only ten States even report compliance with this laudatory provision. Of similar concern is that such disappointing progress relates to a standard of "sight and sound" developed by the Department of Justice, rather than the fuller prohibition intended by the 1974 Act. In that regard it was never intended that the words "regular contact" in Section 223(a)(13) allow less than full compliance, as does the "sight and sound" standard. The prohibtion on "regular contact" was designed to allow commingling of juveniles and adults under specialized circumstances such as a short-term employment program in order to avoid costly duplication.

It is obvious to the Committee that much remains to be done to make the 1974 Act programs a reality. The allocation of unobligated funds for this worthy, but somewhat neglected objective is particularly appropriate.

Maintenance of effort

The Committee amendment retains the current provision of law that requires at least 19.15 percent of the total appropriation under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, be spent for juvenile delinquency programs, with emphasis on programs aimed at curbing violent crimes committed by juveniles. The Committee acknowledges that violent juvenile offenders should be given an increased focus, but given the comparable competing interests it was felt that requiring all of the maintenance of effort funds for this particular focus would be excession. In addition, the Committee amendment waives the maintenance of effort provision when the total appropriations under Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, does not exceed $150,000,000 during any fiscal year.

Citizen participation

The Committee Amendment improves the Acts's citizen participation provisions. Under the Committee Amendment, the citizen groups, namely the State Advisory Groups, will work more closely with the State agency prospective applicants and others interested in the Juvenile Justice program.

Reports and studies

The Committee amendment requires the Administrator of the Office of Juvenile Justice and Delinquency Prevention to provide a detailed evaluation of the scared-straight type programs for juveniles to the Congress by June 30, 1981. In addition, a study of juvenile justice and delinquency prevention policies, programs and practices affecting Native Americans is to be completed and submitted to Congress by December 31, 1981.

Title III—Runaway Youth Act Amendments

This program's title is amended by the Committee Amendment to reflect the 1977 Act's homeless youth focus. Thus, entitled the Runaway and Homeless Youth Act. The Committee amendment makes statutory the authority for the Secretary of Health, Education, and Welfare to continue to fund national telephone networks to link runaway, homeless, neglected and abused youth with their families and service providers. It further, expands the client population eligible for service and stimulate the strengthening of governmental and private sector programs for youth and families in need of service. The Secretary will continue through the Administration for Children, Youth and Families to collect any information necessary to report on and assess the need for programs and services funded under this title.

The Committee bill authorized funding for title III at the same level as the 1977 Act of $25 million per year for each of five fiscal years, 1981 through 1985.

Juvenile Justice Act Authorization

If one merely looks at the extent and cost of juvenile crime and at all the needs that are not met by current programs, one could easily conclude that the authorization levels for this Act should be doubled or tripled. It is the responsibility of this Committee, however, to insure that juvenile justice programs are developed in an orderly fashion and that all moneys are spent effectively, timely and wisely. Therefore the Committee has suggested authorization levels that provide for the orderly growth of these programs over the next five years. As reported by the Committee, S. 2441, would authorize for each of fiscal years 1981 through 1985 levels of $150 million, $150 million, $175 million, $200 million and $200 million respectively.

The Committee further contemplates that the Subcommittee on the Constitution will pursue its oversight responsibilities in a vigorous manner so as to assure that the Office of Juvenile Justice and Delinquency Prevention expends the newly authorized funds in a fiscally sound manner consistent with the primary goals of the 1974 Act in order to assure complete implementation of the Juvenile Justice and Delinquency Prevention Act.

Mr. President, I strongly urge my colleagues in the Senate to adopt this legislation. The Juvenile Justice and Delinquency Prevention Act and these 1980 amendments will provide the stability so vital to the continuation of this congressional initiative. The 5-year extension, with the adequate funding provided, when coupled with full implementation of the provisions of the 1974 and 1977 acts will help address the current needs of our juvenile justice system. Although the amounts authorized to date have been very frugal relative to the task of each of the participating States, such resources provided in a stable, continuous fashion will do wonders to achieve the mandate of the 1974 act.

Mr. President, the Federal Government has an important responsibility to provide the leadership and coordination to assist and encourage the development of sensible, humane, and more economical responses to juvenile delinquency. There are no panaceas. A reauthorization of the 1974 Juvenile Justice and Delinquency Prevention Act will be an important step. There must be a commitment by all our citizens to begin to resolve the legal and social problems and attitudes relevant to children in trouble. Alternatives to unsound policies must be developed and encouraged. Many States, localities and private nonprofit interest groups are already beginning to redirect and increase their efforts. The Juvenile Justice Act has contributed to this progress.

I ask unanimous consent that two attachments be printed at this point in the RECORD, one a letter from the American Legion, dated March 27, 1980, and the second being a list of organizations endorsing the Juvenile Justice and Delinquency Act of 1974.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, D.C., March 27, 1980.

Hon. BIRCH BAYH,
U.S. Senate, Russell Senate Office Building, Washington, D.C.

DEAR SENATOR BAYH: The American Legion's longstanding concern over juvenile crime across the country was the basis for our support in 1974 of the Juvenile Justice and Delinquency Prevention Act. We believed then as we do now that the problem demands a comprehensive and coordinated approach at the federal level.

As you know, juvenile crime continues to be one of our most persistent social ailments. It, therefore, is essential that federal efforts be continued and that the Act be extended through reauthorization. We are pleased to learn that you have introduced S. 2441 which, if enacted, would provide for such reauthorization and we continue to support the maintenance of effort concept as part of any reauthorizing mandate.

The American Legion stands ready to assist you and every member of the Committee in this worthwhile endeavor.

Sincerely,

MYLIO S. KRAJA,
Director.

ORGANIZATIONS ENDORSING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (PUBLIC LAW 93-415, AS AMENDED IN 1977, PUBLIC LAW 95-115)

American Federation of State, County, and Municipal Employees.
American Institute of Family Relations.
American Legion, National Executive Committee.
American Parents Committee.
American Psychological Association.
B'nai B'rith Women.
Children's Defense Fund.
Child Study Association of America.
Chinese Development Council.
Christian Prison Ministries.
AFL-CIO Department of Community Services.
AFL-CIO, Department of Social Security.
American Association of Psychiatric Services for Children.
American Association of University Women.

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American Camping Association.
American Federation of Teachers.
American Occupational Therapy Association.
American Optometric Association.
American Parents Committee.
American Psychological Association.
American Public Welfare Association.
American School Counselor Association.
American Society for Adolescence Psychiatry.
Association for Childhood Education International.
Association of Junior Leagues.
Emergency Task Force on Juvenile Delinquency Prevention.
John Howard Association.
Juvenile Protective Association.
National Alliance on Shaping Safer Cities.
National Association of Counties.
National Association of Social Workers.
National Association of State Juvenile Delinquency Program Administrators.
National Collaboration for Youth: Boys' Clubs of America, Boy Scouts of America, Camp Fire Girls, Inc., Future Homemakers of America, Girls' Clubs, Girl Scouts of U.S.A., National Federation of Settlements and Neighborhood Centers, Red Cross Youth Service Programs, 4-H Clubs, Federal Executive Service, National Jewish Welfare Board, National Board of YWCAs, and National Council of YMCAs.
National Commission on the Observance of International Women's Year Committee on Child Development, Audrey Rowe Coloma, Chairperson Committee Jill Ruckelshaus, Presiding Officer of Commission.
National Conference of Criminal Justice Planning Administrators.
National Conference of State Legislatures.
National Council on Crime and Delinquency.
Boys' Clubs of America.
Boy Scouts of the USA.
Child Welfare League of America.
Family Impact Seminar.
Family Service Association of America.
Four-C of Bergen County.
Girls Clubs of America.
Home and School Institute.
Lutheran Council in the U.S.A.
Maryland Committee for Day Care.
Massachusetts Committee for Children and Youth.
Mental Health Film Board.
National Alliance Concerned With School-Age Parents.
National Association of Social Workers.
National Child Day Care Association.
National Conference of Christians and Jews.
National Council for Black Child Development.
National Council of Churches.
National Council of Jewish Women.
National Council of State Committees for Children and Youth.
National Jewish Welfare Board.
National Urban League.
New York State Division for Youth.
Palo Alto Community Child Care.
Philadelphia Community Coordinated Child Care Council.
The Salvation Army.
School Days, Inc.
Society of St. Vincent De Paul.
United Auto Workers.
United Cerebral Palsy Association.
United Church of Christ--Board for Homeland Ministries, Division of Health and Welfare.
United Methodist Church--Board of Global Ministries.
United Neighborhood Houses of New York, Inc.
United Presbyterian Church, USA.
Westchester Children's Association.
National Federation of State Youth Service Bureau Associations.
National Governors Conference.
National Information Center on Volunteers in Courts.
National League of Cities.
National Legal Aid and Defender Association.
National Network of Runaway and Youth Services.
National Urban Coalition.
Public Affairs Committee, National Association for Mental Health, Inc.
Robert F. Kennedy Action Corps.
U.S. Conference of Mayors.
Big Brothers/Big Sisters of America.
National Youth Workers Alliance.
National Council of Juvenile and Family Court Judges.
National Council of Criminal Justice Planners.
Youth Network Council.
American Bar Association.
American Civil Liberties Union.
National Juvenile Law Center.
National Coalition for Children's Justice.
Children's Express.
Children's Defense Fund.
Coalition for Children and Youth.

Mr. THURMOND. Mr. President, today, the Senate considers legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act of 1974.

The original legislation, the Juvenile Justice and Protection Act of 1974, was the first comprehensive Federal response to the problem of juvenile crime. I supported that legislation because I was deeply concerned about the rise in juvenile crime and the number of youths who were running away from their homes.

We have now had 6 years of experience with this legislation. It has been, I think, a rocky road. There are conflicting views throughout the country on how to respond to juvenile crime, how to separate status offenders from nonstatus offenders, and how much of the overall criminal justice resources should be devoted to this problem.

These problems are even more difficult to resolve now that we are in a period of budgetary restraint. Although this bill authorizes a total of $875 million over the next 5 fiscal years, it is clear from recent Budget Committee actions that funds for juvenile justice and criminal justice programs will be hard to come by through the appropriation process.

Mr. President, I hope that supporters of this program will understand these current funding realities. The LEAA program, for example, has been reduced substantially. The maintenance of effort provision of the Omnibus Crime Control and Safe Streets Act, which requires that 20 percent of LEAA funds also go to juvenile justice programs, should be suspended temporarily while LEAA funding levels are so low. Otherwise, juvenile justice will receive a disproportionate share of total criminal justice funding. I believe that, in a period of spending restraint, all components of the criminal justice system should share equally.

The Juvenile Justice and Delinquency Prevention Act of 1974 is scheduled to be funded at a $100 million level. I think that is adequate for the time being. This program has been successful in many States, but efforts to go too far too fast may hurt the program. For example, on the question of separating juveniles from adults in lockups and jails, a requirement that absolute separation be reached within a few years may be impossible to achieve.

Mr. President, although I support the concept of separating juveniles from adult offenders in jails and lockup facilities, the current separation on the basis of "sight and sound" seems to be an achievable goal. My own State of South Carolina has been able to achieve compliance with this requirement. Unfortunately, for a rural State like mine, a Federal requirement that there be complete separation—in separate facilities—of juvenile and adult offenders may be impossible to achieve in the immediate future. States are taking steps to correct this situation, but they should be encouraged to do so, not forced to do so under the threat of sanctions by the Federal Government.

Mr. President, I support this legislation and its objectives and urge my colleagues to approve it.

Mr. DOLE. Mr. President, I rise in support of this legislation that would amend the Juvenile Justice and Delinquency Prevention Act of 1974. This bill is similar to S. 2434, legislation that the Senator from Kansas introduced to extend the Juvenile Justice and Delinquency Prevention Act of 1974 through fiscal year 1984. That bill authorized $125 million in fiscal year 1981 and $125 million in each succeeding year for the programs that are created by the act. In addition, S. 2434 required that there would be maintained from appropriations for each fiscal year allotted to each State under title I of the Omnibus Crime Control and Safe Streets Act of 1968, at least, the average percentage of the 3 most recent fiscal years for which figures are available of the total expenditures made for criminal justice programs by State and local governments which is expended for juvenile delinquency programs by such State and local governments.

MAINTENANCE OF EFFORT

An important aspect of the 1974 Juvenile Justice Act was the "maintenance of effort" provision. That law called for a set aside of 19.15 percent of all law enforcement assistance administration (LEAA) funding to be reserved for juvenile justice programs. This percentage was based on the ratio of LEAA expenditures for juvenile justice to the agency's total expenditures for fiscal 1971. The Senator from Kansas felt that it was time to carefully reexamine this ratio in the light of experience in its administration.

The Senate version of the Justice System Improvement Act of 1979 provided for the complete elimination of the maintenance of effort provision. S. 2434 did not go that far. Instead it attempted to develop a new formula based on the average percentage of the 3 most recent fiscal years of the total expenditures made for criminal justice programs by State and local governments.

AUTHORITY OF THE ASSISTANT ADMINISTRATOR

Under S. 2434, the Office of Juvenile Justice and Delinquency Prevention would have remained within the LEAA of the U.S. Department of Justice. The Assistant Administrator of LEAA would have continued to head the Office although he would have been under the policy direction and control of the Administrator of LEAA.

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COMPROMISE LEGISLATION

S. 2441 represents a good compromise between the concerns of Senator BAYH and the concerns of this Senator. In reviewing the original proposal that this Senator offered and S. 2441, there are only three major differences. Those differences concern the role of the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the funding level, and the maintenance of effort provision.

In S. 2441 the Administrator of the Office of Juvenile Justice and Delinquency Prevention is given final accountability and responsibility for implementing the act. The funding level, in the legislation that we are reviewing today, is $150 million in 1981, $150 million in 1982, $175 million in 1983, and $200 million in 1984 and 1985. Under S. 2441, the 19.15 requirement for spending on juvenile justice programs will be waived when total appropriations for LEAA fail to exceed $150,000,000.

The Federal Government has a responsibility to continue its efforts to improve the quality of justice that is available to juveniles in this country. The problem of juvenile delinquency must continue to be dealt with in an effective and meaningful manner if the levels of juvenile crime are to continue their decline.

It is my hope that by extending the authorization for the Juvenile Justice and Delinquency Prevention Act of 1974, States and local governments, private and public organizations will have the assistance that is necessary to continue the development of practical approaches to the problems of youths that have become involved in the juvenile justice system. Juvenile crime and delinquency prevention must continue to be a top Federal, State, and local priority. It is clear to me that a major cause of this Nation's staggering crime rate is juvenile crime and violence. This legislation will deal with that cause.

The PRESIDING OFFICER. Who yields time?

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 2441

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act shall be cited as the "Juvenile Justice and Delinquency Prevention Act Amendments of 1980".

TITLE I—AMENDMENTS TO TITLE I OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

SEC. 101. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended—

(1) by striking out "and" immediately after the semicolon in paragraph (6);

(2) by striking out the period at the end of paragraph (7) and inserting a semicolon and "and"; and

(3) by adding at the end thereof the following:

"(8) the justice system should give additional attention to violent crimes committed by juveniles, particularly to the areas of identification, apprehension, speedy adjudication, sentencing, and rehabilitation.".

SEC. 102. (a) Paragraph 5 of section 103 of that Act is amended to read as follows:

"(5) the term 'Administrator' means the agency head designated by section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended;".

(b) Section 103(7) of that Act is amended by inserting after "Pacific Islands" the following: "The Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands,".

(c) Section 103(9) of that Act is amended by striking out "law enforcement" and inserting "juvenile justice".

(d) Section 103(1) of that Act is amended by inserting "special educational," immediately before "vocational".

(e) Section 103(12) of that Act is amended by striking out "and" immediaetly after the semicolon.

(f) Section 103(13) of that Act is amended—

(1) by inserting "special educational," immediately before "social"; and

(2) by striking out the period at the end thereof and inserting in lieu thereof a semicolon and "and".

(g) Section 103 of that Act is amended by adding at the end thereof the following:

"(14) The term 'handicapping conditions' means the conditions described in the definition of the term 'handicapped children' in section 602(1) of the Education of the Handicapped Act (20 U.S.C. 1401).".

TITLE II—AMENDMENTS TO TITLE II OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTON ACT OF 1974

SEC. 201. (a) Section 201 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended to read as follows:

"SEC. 201. (a) There is hereby established within the Department of Justice under the general authority of the Administrator of the Law Enforcement Assistance Administration, the Office of Juvenile Justice and delinquency Prevention (referred to in this Act as the 'Office'). The Office shall be under the direction of an Administrator, who shall be nominated by the President by and with the advice and consent of the Senate. The Administrator shall administer the provisions of this Act through the Office. The Administrator shall have final authority to award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants, cooperative agreements and contracts from, and applications for, funds made available under this title.

"(b) The Administrator may prescribe in accordance with section 553 of title 5, United States Code, such rules and regulations as are necessary or appropriate to carry out the purposes of this title.".

(b) Section "201(e)" of that Act is renumbered "201(c)" and amended by striking out "of the Law Enforcement Assistance Administration".

(c) Section "201(f)" of that Act is renumbered "201(d)".

(d) A new subsection "(e)" is added to read as follows:

"(e) There shall be established in the Office a Legal Advisor who shall be appointed by the administrator whose function shall be to supervise and direct the Legal Advisor Unit whose responsibilities shall include legal policy development, implementation, and dissemination and the coordination of such matters with all relevant departmental units. The Legal Advisor, when appropriate, shall consult with the Law Enforcement Assistance Administration and the Office of Justice Assistance, Research, and Statistics on legal nonpolicy matters relating to the provisions of this Act.".

(e) Section "201(g)" of that Act is renumbered "201(f)" and amended by striking out "-five" and inserting "-six".

(f) New subsections "(g)" and "(h)" are added to read as follows:

"(g) The Administrator shall provide the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor with a detailed evaluation of the Rahway Juvenile Awareness Project, the so-called 'Scared-Straight' program or other similar programs, no later than June 30, 1981.

"(h) The administrator, in cooperation with the Director of the Bureau of Indian Affairs, shall conduct a study of juvenile justice and delinquency prevention policies, programs, and practices affecting native Americans and shall report on the results of that study to the United States Senate Committee on the Judiciary and the United States House of Representatives Committee on Education and Labor no later than December 31, 1981. Such report shall contain recommendations regarding actions which should be taken, including suggested legislation, and shall address, at a minimum, the nature and quality of juvenile programs on Indian reservations, the impact of Federal Government activities on such programs, the consistency of ongoing efforts with the objectives of the Juvenile Justice and Delinquency Prevention Act, and the juvenile justice relationships between Indian tribes and contiguous units of local government.".

SEC. 202. (a) Section 204(b) of that Act is amended by striking out ", with the assistance of Associate Administrator,".

(b) Section 204(g) of that Act is amended by striking out "Administration" and inserting "Office".

SEC. 203. Section 207(c) of that Act is amended by inserting "and other handicapping conditions" immediately after "learning disabilities".

SEC. 204. Section 208(d) of that Act is amended by striking out "Corrections" and inserting "Justice".

SEC. 205. (a) Section 222(a) of that Act is amended by striking the last "and" and inserting immediately after "Pacific Islands" the following: ", the Commonwealth of the Northern Mariana Islands, and any territory or possession of the United States,".

(b) Section 222(b) of that Act is amended by striking out "the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands" and inserting "as defined in section 103(7),".

SEC. 206. (a) Section 223(a) of that Act is amended to read as follows:

"(a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes in accordance with regulations established under this title, such plan must—".

(b) Section 223(a)(3)(iii) of that Act is amended by striking out "established pursuant to section 203(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

(c) Section 223(a)(3)(iv) of that Act is amended by striking out "section 520(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended," and inserting "section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended,".

(d) Section 223(a)(3)(B) of that Act is amended by inserting "special education," immediately before "or youth services departments".

(e) Section 223(a)(3)(C) of that Act is amended—

(1) by inserting "special education" immediately before "or social services for children"; and

(2) by inserting "and other handicapping conditions" immediately after "learning disabilities".

(f) Section 223(a)(15) of that Act is amended by striking out "mentally retarded and emotionally or physically".

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(g) Section 223(a) of that Act is amended by striking out the last sentence.

(h) Section 223(c) of that Act is amended by striking out ", with the concurrence of the Associate Administrator,".

(i) Section 223(d) of that Act is amended by striking out ", in accordance with sections 509, 510, and 511 of title I of the Omnibus Crime Control and Safe Streets Act of 1968,".

SEC. 207. Section 224(a)(11) of that Act is amended by inserting "and other handicapping conditions" immediately after "learning disabilities".

SEC. 208. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by substituting "Priority Juvenile" for "Special Emphasis" each time it appears.

SEC. 209. Section 225(b) (5) and (6) of that Act is amended by striking out "planning agency" and inserting "advisory group".

SEC. 210. Section 225(b)(8) of that Act is amended by striking out "agency" the first time is appears and inserting "advisory group".

SEC. 211. (a) Section 228(b) of that Act is amended by striking out "not funded by the Law Enforcement Assistance Administration,".

(b) Section 228(g) of that Act is amended—

(1) by striking out "part" and inserting "title"; and

(2) by striking out "or will become available by virtue of the application of the provisions of section 509 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended".

SEC. 212. (a) Section 241(c) of that Act is amended by striking out "Law Enforcement and Criminal".

(b) Section 241(d) of that Act is amended by inserting "and special educational" immediately after "other educational".

SEC. 213. (a) Section 261(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of this title there as authorized to be appropriated $150,000,000 for each of the fiscal years ending September 30, 1981 and 1982, $175,000,000 for the fiscal year ending September 30, 1983, and $200,000,000 for each of the fiscal years ending September 30, 1984 and 1985. Appropriated funds not obligated by the end of each fiscal year, shall be allocated directly to the States participating in the Act on the basis of relative population of people under age eighteen for the purpose of implementing section 223(a)(13), no later than January 1, of the subsequent fiscal year.".

(b) Section 261(b) of that Act is amended to read as follows:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under title I of the Omnibus Crime Control and Safe Steets Act of 1968, for juvenile delinquency programs with emphasis on programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation. This subsection shall be waived when the total appropriations for each fiscal year under title I of the Omnibus Crime Control and Safe Streets Act of 1968 do not exceed $150,000,000. Implementation, including guidelines, of this subsection shall be the responsibility of the Administrator of the Office.".

SEC. 214. Section 262 of that Act is amended to read as follows:

"SEC. 262. Of the appropriation for the Office under this Act, there shall be allocated an adequate amount for administrative expenses other than those support services performed for the Office by the Office of Justice Assistance, Research, and Statistics.".

SEC. 215. Section 263 (a), (b), and (c) of that Act are amended to read as follows:

"SEC. 263. The amendments made by the Juvenile Justice and Delinquency Prevention Act Amendments of 1980 shall take effect upon enactment.".

TITLE III—AMENDMENTS TO THE RUNAWAY YOUTH ACT

SEC. 301. Amend the caption "TITLE III—RUNAWAY YOUTH" by inserting "AND HOMELESS" immediately after "RUNAWAY".

SEC. 302. Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting "and Homeless" immediately after "Runaway".

SEC. 303. (a) Section 302(1) of that Act is amended by adding "or who are otherwise homeless" after "permission".

(b) Section 302(2) of that Act is amended by adding "and homeless" after "runaway".

SEC. 304. (a) Section 311 of that Act is amended by inserting "(a)" immediately after "SEC. 311.".

(b) Section 311 of that Act is amended by adding at the end thereof the following:

"(b) The Secretary is authorized to make grants for the purposes of providing a national telephone communications system to link runaway and homeless youths with their families and with service providers.

"(c)(1) In addition, the Secretary is authorized to make grants and to enter into contracts with governmental and nonprofit private agencies for the purposes of providing counseling and other services to meet the immediate needs of runaway or otherwise homeless youth, youth in trouble or in crisis, and the families of such youth, in a manner which is outside the law enforcement structure and juvenile justice system.

"(2) The Secretary may provide technical assistance and training to such agencies who receive grants or enter into contracts under this subsection.

"(3) The size of the grant or contract shall be determined by the number of such youth and families in the community and the existing availability of such services.".

SEC. 305. (a) Section 312(a) of that Act is amended by striking the period and inserting "or who are otherwise homeless.".

(b) Section 312(b)(5) of that Act is amended by inserting "and homeless" after "runaway" the first time it appears.

SEC. 306. (a) Section 315(1) of that Act is amended by adding "and homeless" after "runaway".

(b) Section 315 of that Act is amended—

(1) by inserting "(a)" immediately after "SEC. 315."; and

(2) by adding at the end thereof the following:

"(b) The Secretary is authorized to design the information instruments required to collect any information necessary to comply with the reporting requirements of this section, and to assess the need for, and to determine the effectiveness of, programs and services funded under this part.".

SEC. 307. Section 341(a) of that Act is amended to read as follows:

"(a) To carry out the purposes of part A of this title there is authorized to be appropriated $25,000,000 for each of the fiscal years ending September 30, 1981, 1982, 1983, 1984, and 1985.".

TITLE IV—MISCELLANEOUS CONFORMING AMENDMENTS

SEC. 401. Section 5316 of title 5, United States Code, is amended by striking out "Associate Administrator, Office of Juvenile Justice and Delinquency Prevention" and inserting "Administrator, Office of Juvenile Justice and Delinquency Prevention".

SEC. 402. Section 4351(b) of title 18, United States Code is amended by striking out "Associate".

SEC. 403. Section 1002 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 1002. In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, there shall be maintained from appropriations for each fiscal year, at least 19.15 per centum of the total appropriations under this title, for juvenile delinquency programs, with emphasis on programs aimed to curb violent crimes committed by juveniles, namely, murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm, particularly to the areas of identification, apprehension, speedy adjudication, sentencing and rehabilitation. This section shall be waived when the total appropriations for each fiscal year under this title do not exceed $150,000,000. Implementation, including guidelines, of this section shall be the responsibility of the Administrator of the Office.".

SEC. 404. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "Associate" each time it appears.

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. BAYH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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STATEMENT BY SENATOR MATHIAS FOLLOWING SENATE

PASSAGE OF S. 2441, A BILL TO AMEND THE

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974,

MAY 22, 1980

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JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Mr. MATHIAS. Mr. President, the reauthorization of the Juvenile Justice and Delinquency Prevention Act gives us the chance to take a close look at our national effort to combat juvenile delinquency and determine what direction this effort should take in the future.

In the past few years, we have tried to find a balance between protecting the public and providing our troubled youth with an opportunity to live productive, noncriminal lives. The Juvenile Justice and Delinquency Prevention Act of 1974 and the amendments of 1977 have been the primary vehicles for seeking this balance on the Federal level.

Even so, the alarming crime rate among youngsters continues and has quite naturally triggered a "get-tough," "lock-em-up" attitude on the part of many people. Experience has taught us, however, that our prisons serve as graduate schools in crime, pure and simple. Instead, prevention of delinquency and rehabilitation of juvenile offenders must be the focus of our efforts.

In my home State of Maryland, juvenile delinquency has decreased and, at the same time, Maryland has succeeded in completely removing all juveniles from adult jails. I am proud of these accomplishments, and of the various programs in the State which have made these advances possible. Many of these programs were made possible through the Juvenile Justice and Delinquency Act.

S. 2441, the Juvenile Justice and Delinquency Prevention Act Amendments of 1980, renews our congressional commitment to prevent juvenile delinquency for an additional 5 years. It also reauthorizes the Runaway Youth Act. The purpose of the Runaway Youth Act is to create a network to provide assistance and protection to homeless youths, youths on the run. The reasons young people become runaways are complex and deep-seated: Parental drug and alcohol abuse, personal strife, parental emotional instabilities, peer relationships, trouble at school and parental abuse are all viewed as contributing factors. Other young people would more properly be termed "throw-aways"—they have left home because they have been told they are no longer wanted and must leave. These kids are truly homeless. When a troubled youth runs to escape from his or her environment, it is imperative that there be someone, somewhere, to listen, to help, to provide protection and survival needs. The Runaway Youth Act is the Federal Government's attempt to encourage and aid States in this important work, and to help children in this situation outside of the juvenile justice system.

A few days ago, I called to the attention of my colleagues an article by Carl Rowan which appeared in the Washington Star entitled "Some Sad Facts About America's Children." At that time, it occurred to me that as we strive to conserve the Nation's financial resources, we must also take steps to insure that precious human resources are not wasted. The annual cost of juvenile delinquency is enormous in economic terms. But it is even more devastating in human terms. An effective Federal campaign to prevent juvenile delinquency may result in a brighter future for countless young people; that is my idea of a cost-effective program.

I commend the Senator from Indiana (Mr. BAYH) for his dedication and hard work on this reauthorizing legislation and for his advocacy of a more humane and constructive juvenile justice system.

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TEXT OF H.R. 6704, AS INTRODUCED IN THE HOUSE, TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 (ANDREWS BILL)

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JUVENILE JUSTICE AMENDMENTS OF 1980

WEDNESDAY, MARCH 19, 1980

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON HUMAN RESOURCES,
EDUCATION AND LABOR COMMITTEE,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2261, Rayburn House Office Building, Hon. Ike Andrews (chairman of the subcommittee) presiding.

Members present: Representatives Andrews, Coleman, and Kildee.

Staff present: Gordon A. Raley, staff director; Deborah L. Hall, clerk; and John E. Dean, minority legislative associate.

[Text of H.R. 6704 follows:]

(1)

96TH CONGRESS
2D SESSION

H. R. 6704

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1980

Mr. ANDREWS of North Carolina (for himself, Mr. PERKINS, and Mr. COLEMAN) introduced the following bill; which was referred to the Committee on Education and Labor

---

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980".

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AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 241(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 14, is amended—

(1) by striking out "$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieu thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.".

PURPOSE

SEC. 4. Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

SEC. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting "special education," after "training,".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

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"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;".

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

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(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

"(A) includes procedures or construction fixtures, or both, designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;".

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) the term 'secure correctional facility' means any public or private residential facility which—

"(A) includes procedures or construction fixtures, or both, designed to physically restrict the

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movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

"(14) the term 'serious crime' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and".

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f)(1), is amended—

(1) by inserting "special education," after "educational,"; and

(2) by striking out "and benefit the addict" and all that follows through ", and his" and inserting in lieu thereof ", including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and".

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OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "under the general authority of the Attorney General".

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out "direction of" and all that follows through "Administration", and inserting in lieu thereof "general authority of the Attorney General";

(2) in the second sentence thereof, by striking out ", subject to the direction of the Administrator,", and by inserting "prescribe regulations for," before "award";

(3) in the third sentence thereof—

(A) by inserting "of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice" after "Administrator" the first place it appears therein; and

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(B) by inserting "of the Office of Juvenile Justice and Delinquency Prevention" after "Administrator" the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Attorney General".

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended—

(1) by striking out "Administrator" the last place it appears therein and inserting in lieu thereof "Attorney General"; and

(2) by striking out "National Institute" and all that follows through "this Act" and inserting in lieu thereof "staff activities of the Council on Juvenile Justice and Delinquency Prevention established by section 206".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 7. (a) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

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(1) by striking out ", with the assistance of the Associate Administrator,"; and

(2) in paragraph (6) thereof, by inserting "and training assistance" after "technical assistance".

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection:

"(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting "the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration," after "Secretary of Labor,"; and

(2) by striking out "the Secretary of Housing and Urban Development," and inserting in lieu thereof "the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation

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Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out "the Attorney General and";

(2) by inserting ", and to the Congress," after "President"; and

(3) by adding at the end thereof the following new sentence: "The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.".

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out "a minimum of four times per year" and inserting in lieu thereof "at least quarterly".

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "may" and inserting in lieu thereof "shall".

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is

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amended by inserting ", not to exceed $500,000 for each fiscal year" before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

"NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the 'Advisory Committee') which shall consist of 15 members appointed by the President.

"(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the

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problems of youth unemployment, school violence and vandalism, and learning disabilities.

"(3) At least 3 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

"(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

"(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

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(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office, but not to exceed 90 days.

"(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advise, consult with, and make recommendations to the National Institute of Justice concerning the overall policy and operations of the Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by the Institute; and

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"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247 (as such section is in effect on the day before the effective date of this paragraph), and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate

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specified for Grade GS–18 of the General Schedule in section 5332 of title 5, United States Code, including traveltime.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.".

ALLOCATION

SEC. 10. The first sentence of section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended by striking out "in a manner" and all that follows through "part" and inserting in lieu thereof "in an equitable manner to the States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by such States in a manner consistent with the purposes of section 223(a)(10)(H)".

STATE PLANS

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a))

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is amended by striking out "consistent with the provisions" and all that follows through "Such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall".

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "twenty-one" and inserting in lieu thereof "15".

(3) Section 223(a)(3)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(B)) is amended—

(A) by inserting "locally elected officials," after "include"; and

(B) by inserting "special education," after "education,".

(4) Section 223(a)(3)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(E)) is amended—

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(A) by striking out "one-third" and inserting in lieu thereof "one-fifth";

(B) by striking out "twenty-six" and inserting in lieu thereof "24";

(C) by inserting ", and" after "appointment"; and

(D) by striking out "of whom" and inserting in lieu thereof "of whose members".

(5) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) by striking out "(ii) may advise" and all that follows through "requested;" and inserting in lieu thereof "(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);"; and

(B) by adding at the end thereof the following: "and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;".

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out "and" at the end thereof.

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(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

"(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;".

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

BEST DOCUMENT AVAILABLE

(A) by striking out "juvenile detention and correctional facilities" and inserting in lieu thereof "confinement in secure detention facilities and secure correctional facilities";

(B) by striking out "and" the fifth place it appears therein;

(C) by inserting after "standards" the following: ", and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation"; and

(D) by adding at the end thereof the following new subparagraph:

"(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;".

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting "education, special education," after "home programs,".

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out "keep delinquents

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and to", and by inserting "delinquent youth and" after "encourage".

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

"(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

"(i) remove juveniles from jails and lockups for adults;

"(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

"(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and

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provide for learning disabled and other handicapped juveniles; and".

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

(14) Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(14)) is amended by inserting before the semicolon at the end thereof the following: ", except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively".

(b) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking out ", with the concurrence of the Associate Administrator"; and

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(2) by inserting after "juvenile" the following: "or through removal of 100 percent of such juveniles from secure correctional facilities,".

(c) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) by striking out "section 224" and inserting in lieu thereof "section 224(a)(5)";

(2) by striking out "endeavor to";

(3) by striking out "preferential" and inserting in lieu thereof "equitable";

(4) by striking out "to programs in nonparticipating States under section 224(a)(2)";

(5) by striking out "substantial or"; and

(6) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)".

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

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"(A) remove juveniles from jails and lock-ups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: ", including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsection:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.".

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PAYMENTS

SEC. 13. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended by striking out subsection (b) thereof, and by redesignating subsection (c) through subsection (g) as subsection (b) through subsection (f), respectively.

(b) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13)" after "reallocation"; and

(2) by striking out "section 224" and inserting in lieu thereof "section 224(a)(5)".

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 14. Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out part C thereof, by redesignating part D as part C, and by redesignating section 261 through section 263 as section 241 through section 243, respectively.

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ADMINISTRATIVE PROVISIONS

SEC. 15. Section 242 of the Juvenile Justice and Delinquency Prevention Act, as so redesignated in section 12, is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 242. (a) The administrative provisions of sections 802, 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), and 817(c), and 818(a), 818(c), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

"(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to

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section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.".

RUNAWAY AND HOMELESS YOUTH

SEC. 16. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

"TITLE III—RUNAWAY AND HOMELESS YOUTH".

(b) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families" after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

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(5) by adding at the end thereof the following new subsections:

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

"(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.".

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "houses" and inserting in lieu thereof "centers", and by inserting "or to other homeless juveniles" before the period at the end thereof.

(2) Section 312(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(b)) is amended—

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

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(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel,".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "$100,000" and inserting in lieu thereof "$150,000", and by striking out "any applicant whose program budget is smaller than $150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "house" and inserting in lieu thereof "center".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 17. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereof "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

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(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate".

(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is

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amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended by striking out "Associate".

(4) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" the first place it appears therein; and

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(E) by striking out "Deputy Associate Administrator of the Institute for Juvenile Justice and Delinquency Prevention" and inserting in lieu thereof "Director of the National Institute of Justice".

(2) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

(g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968".

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

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(4) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 502(b)" and inserting in lieu thereof "section 1002".

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11)) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 223(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(B)) is amended by striking out "Associate".

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(7) Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(14)) is amended by striking out "Associate".

(8) Section 223(a)(17)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(17)(A)) is amended by striking out "or" the first place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a)(20) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(20)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a)(21) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(21)) is amended by striking out "Associate".

(11) The last sentence of section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is

BEST DOCUMENT AVAILABLE

amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511" and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803".

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HOUSE REPORT ON H.R. 6704,

HOUSE REPORT NO. 96-946,

COMMITTEE ON EDUCATION AND LABOR,

MAY 13, 1980

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96TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 96-946

JUVENILE JUSTICE AMENDMENTS OF 1980

MAY 13, 1980.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor, submitted the following

REPORT

together with

SUPPLEMENTAL

and

INDIVIDUAL MINORITY VIEWS

[To accompany H.R. 6704]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 6704) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

61-648 O

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(1) by striking out "$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieu thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.".

PURPOSE

SEC. 4. (a) Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (6) thereof, by striking out "and" at the end thereof;

(2) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) to assist State and local governments in removing juveniles from jails and lockups for adults.".

(b) Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

SEC. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting "special education," after "training,".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;".

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

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"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;".

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) the term 'secure correctional facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

"(14) the term 'serious crime' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and".

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f)(1), is amended—

(1) by inserting "special education," after "educational,"; and

(2) by striking out "and benefit the addict" and all that follows through ", and his" and inserting in lieu thereof ", including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and".

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "under the general authority of the Attorney General".

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out "direction of" and all that follows through "Administration" and inserting in lieu thereof "general authority of the Attorney General";

(2) in the second sentence thereof, by striking out ", subject to the direction of the Administrator,", and by inserting "prescribe regulations for," before "award";

(3) in the third sentence thereof—

(A) by inserting "of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice" after "Administrator" the first place it appears therein; and

(B) by inserting "of the Office of Juvenile Justice and Delinquency Prevention" after "Administrator" the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Attorney General".

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Administrator" the last place it appears therein and inserting in lieu thereof "Attorney General".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 7. (a) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) by striking out ", with the assistance of the Associate Administrator,"; and

(2) in paragraph (6) thereof, by inserting "and training assistance" after "technical assistance".

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection:

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"(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting "the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration," after "Secretary of Labor,"; and

(2) by striking out "the Secretary of Housing and Urban Development," and inserting in lieu thereof "the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out "the Attorney General and";

(2) by inserting ", and to the Congress," after "President"; and

(3) by adding at the end thereof the following new sentence: "The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.".

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out "a minimum of four times per year" and inserting in lieu thereof "at least quarterly".

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "may" and inserting in lieu thereof "shall".

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by inserting ", not to exceed $500,000 for each fiscal year" before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

"NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the 'Advisory Committee') which shall consist of 15 members appointed by the President.

"(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

"(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

"(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

"(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as

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designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

"(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade GS–18 of the General Schedule in section 5332 of title 5, United States Code, including travel time.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.".

ALLOCATION

SEC. 10. The first sentence of section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended by striking out "in a manner" and all that follows through "part" and inserting in lieu thereof "in an equitable manner to the States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by such States in a manner consistent with the purposes of section 223(a)(10)(H)".

STATE PLANS

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "consistent with the provisions" and all that follows through "such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to

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the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall".

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "twenty-one" and inserting in lieu thereof "15", and by striking out "thirty-three" and inserting in lieu thereof "33".

(3) Section 223(a)(3)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(B)) is amended—

(A) by inserting "locally elected officials," after "include"; and

(B) by inserting "special education," after "education,".

(4) Section 223(a)(3)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(E)) is amended—

(A) by striking out "one-third" and inserting in lieu thereof "one-fifth";

(B) by striking out "twenty-six" and inserting in lieu thereof "24";

(C) by inserting ", and" after "appointment"; and

(D) by striking out "three of whom" and inserting in lieu thereof "3 of whose members".

(5) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) by striking out "(ii) may advise" and all that follows through "requested;" and inserting in lieu thereof "(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);"; and

(B) by adding at the end thereof the following: "and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;".

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out "and" at the end thereof.

(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

"(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;".

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(A) by striking out "juvenile detention and correctional facilities" and inserting in lieu thereof "confinement in secure detention facilities and secure correctional facilities";

(B) by striking out "and" the fifth place it appears therein;

(C) by inserting after "standards" the following: ", and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation"; and

(D) by adding at the end thereof the following new subparagraph:

"(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;".

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting "education, special education," after "home programs,".

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out "keep delinquents and to", and by inserting "delinquent youth and" after "encourage".

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

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"(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

"(i) remove juveniles from jails and lock-ups for adults;

"(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

"(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

"(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;".

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

"(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognise and provide for learning disabled and other handicapped juveniles; and".

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

(14) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in paragraph (15)(A), is amended—

(A) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraph (12)(A), paragraph (13), and paragraph (14)"; and

(B) by inserting before the semicolon at the end thereof the following: ", except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively".

(15) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended by the foregoing provisions of this subsection, is further amended—

(A) by redesignating paragraph (14) through paragraph (21) as paragraph (15) through paragraph (22), respectively, and by inserting after paragraph (13) the following new paragraph:

"(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults;"; and

(B) by adding at the end thereof the following new sentence: "Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).".

(b) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking out ", with the concurrence of the Associate Administrator,";

(2) by inserting after "juveniles" the following: "or through removal of 100 percent of such juveniles from secure correctional facilities"; and

(3) by adding at the end thereof the following new sentence: "Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.".

(c) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) by striking out "special emphasis prevention and treatment";

(2) by striking out "section 224" and inserting in lieu thereof "subsection (a)(10)(H)";

(3) by striking out "endeavor to";

(4) by striking out "a preferential" and inserting in lieu thereof "an equitable";

(5) by striking out "to programs in nonparticipating States under section 224(a)(2) and";

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(6) by striking out "substantial or"; and

(7) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)".

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lock-ups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: ", including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsection:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.".

PAYMENTS

SEC. 13. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended by striking out subsection (b) thereof, and by redesignating subsection (c) through subsection (g) as subsection (b) through subsection (f), respectively.

(b) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "subpart II of" after "applicant under"; and

(2) by striking out "under section 224" and inserting in lieu thereof "in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5)".

ADMINISTRATIVE PROVISIONS

SEC. 14. Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

"(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.".

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RUNAWAY AND HOMELESS YOUTH

SEC. 15. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

"TITLE III—RUNAWAY AND HOMELESS YOUTH".

(b) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families," after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

(5) by adding at the end thereof the following new subsections:

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

"(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.".

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "house" and inserting in lieu thereof "center", and by inserting "or to other homeless juveniles" before the period at the end thereof.

(2) Section 312(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(b)) is amended—

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel,".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "$100,000" and inserting in lieu thereof "$150,000", and by striking out "any applicant whose program budget is smaller than $150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "houses" and inserting in lieu thereof "centers".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 16. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereof "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate".

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(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended by striking out "Associate".

(4) Section 204(k) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(k)) is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(5) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" each place it appears therein; and

(E) by inserting "the Director of the National Institute of Justice," after "Prevention," the last place it appears therein.

(2) Section 206(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(b)) is amended by striking out "Associate".

(3) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

(g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968".

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

(4) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 502(b)" and inserting in lieu thereof "section 1002".

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11)) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 223(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(B)) is amended by striking out "Associate".

(7) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

BEST DOCUMENT AVAILABLE

(8) Section 223(a)(18)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "or" the first place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a)(21) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a)(22) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(11) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended in section 11(a)(15)(B), is further amended (in the sentence preceding the last sentence thereof) by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511" and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 224(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(6)) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(i) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803".

(j)(1) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "Associate" each place it appears therein.

(2) Section 241(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(c)) is amended by striking out "National Institute of Law Enforcement and Criminal Justice" and inserting in lieu thereof "National Institute of Justice".

(k) Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by striking out "sections 249, 250, and 251" and inserting in lieu thereof "sections 248, 249, and 250".

(l) Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is amended by striking out "Associate".

(m) Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended by striking out "Associate" each place it appears therein.

(n) Section 248(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5658(a)) is amended by striking out "Associate" each place it appears therein.

(o) Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "Associate".

(p)(1) Section 250(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(a)) is amended by striking out "Associate" each place it appears therein.

(2) Section 250(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(b)) is amended by striking out "Associate" each place it appears therein.

(3) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

I. Introduction

The Juvenile Justice and Delinquency Prevention Act of 1974 represents an attempt on the part of Congress to provide leadership and assistance to States, local governments, and private agencies in order to develop and implement effective programs for the prevention and treatment of juvenile delinquency. The Office of Juvenile Justice and Delinquency Prevention (OJJDP), established

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within the Justice Department, assumes primary responsibility for implementing Federal assistance, as well as the coordination of Federal resources and policy.

The committee bill, H.R. 6704, would extend the Juvenile Justice and Delinquency Prevention Act of 1974 for four years and provide amendments to strengthen efforts to prevent and control juvenile delinquency and improve the juvenile justice system. H.R. 6704 also extends Title III of the Juvenile Justice and Delinquency Prevention Act, the Runaway and Homeless Youth program, located within the Department of Health and Human Services, for four years at currently authorized levels.

Cited as The Juvenile Justice Amendments of 1980, H.R. 6704 makes several significant changes in current law. Completing the reorganization initiated by the Justice System Improvement Act of 1979, H.R. 6704 administratively separates the Office of Juvenile Justice and Delinquency Prevention (OJJDP) from the Law Enforcement Assistance Administration (LEAA), placing it under the coordination of the Office of Justice Assistance, Research, and Statistics (OJARS) and the general authority of the Attorney General. OJJDP would thus become an administrative "fourth box" under OJARS, equal to LEAA, the National Institute of Justice (NIJ), and the Bureau of Justice Statistics (BJS).

H.R. 6704 makes an additional finding that the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes. It expands the purpose of the Act to include assisting State and local governments in removing juveniles from jails and lock-ups for adults and providing a special focus on maintaining and strengthening the family unit.

Changes are made within the Federal program intended both to streamline operation and strengthen Federal coordination and citizen input. Separate budget line item categories are provided and spending caps are placed on the administrative operation of OJJDP, the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention, and the National Advisory Committee on Juvenile Justice and Delinquency Prevention. Membership on the Federal Coordinating Council is expanded to include other relevant agency heads, including those of the newly formed Department of Education, the Community Services Administration, and the Office of Special Education and Rehabilitation Services. The National Advisory Committee is reorganized and streamlined to make it more closely parallel to other Presidential advisory committees, specifically the Federal Council on Aging and the National Advisory Committee on Economic Opportunity.

Several significant changes are made with regard to Federal assistance for State and local programs. Changes are made in State plan requirements to streamline paperwork requirements. Annual plans are replaced by 3-year plans, with annual plan updates to report on performance and plan implementation. New program authority is added by H.R. 6704 to address the needs of juveniles who commit serious crimes and to provide projects designed to work with juvenile gangs, intended both to deter their involvement in illegal activities and to promote activity in lawful activities. Existing authorities are expanded to include education and special education as appropriate community-based treatment alternatives and to provide statewide subsidies or incentives to local governments de-

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signed to remove juveniles form adult jails and lock-ups, replicate exemplary programs, establish and adapt standards for the improvement of juvenile justice, and increase the use of nonsecure community-based facilities. Existing program authority relating to delinquency and learning disabilities are expanded to include on-the-job training to assist law enforcement and juvenile justice personnel to more readily recognize and provide for handicapped youngsters.

Beginning five years after the date of enactment of the Juvenile Justive Amendments of 1980, H.R. 6704 requires that State plans provide that no juveniles shall be detained or confined in any jail or lock-up for adults. A provision is also made so that if States are in substantial compliance after five years, an additional two years may be allowed for full compliance.

H.R. 6704 would require for the first time that Federal discretionary assistance be available on an equitable basis to deal with disadvantaged youth, including minority, female, and handicapped youth. This provision parallels existing requirements for State formula grant assistance.

Finally, H.R. 6704 also makes several changes regarding Title III assistance. The name of this title is expanded to read "Runaway and Homeless Youth" in acknowledgement of the fact that many of the young people presently served by the program do not leave home of their own volition. Under new amendments, Title III assistance would be required to be distributed equitably among the States based upon their respective population of youth under 18 years of age. Clarifications are also made so that services provided by shelters would also be available to the families of runaway and homeless youth as well as the youth themselves. New program authorities are added under Title III for the development, in cooperation with juvenile court and social service personnel, of model programs designed to assist chronic runaways and for the development of on-the-job training programs to assist local personnel in recognizing and providing for learning disabled and other handicapped juveniles.

II. Legislative History

Federal concern for juvenile justice extends back to 1912, when Congress created the Children's Bureau and authorized it to investigate and report on juvenile courts, among a number of other youth related issues. As early as 1948, Congress sought to develop a Federal concentration of effort around youth services. In that year, the Interdepartmental Committee on Children and Youth was established with the purpose of developing closer relationships among Federal agencies concerned with children and youth. Two years later, the Midcentury White House Conference on Children and Youth met to consider methods to strengthen juvenile courts, develop juvenile police services, and examine the treatment and prevention capability of social service institutions and after care agencies.

Despite Presidential requests in 1955, and again in 1957, no legislation was enacted to help State and local governments address the problem of delinquency until passage of the Juvenile Delinquency and Youth Offenses Control Act of 1961. The legislation authorized

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the Department of Health, Education and Welfare (HEW) to make grants to State, local, and private agencies to establish pilot projects demonstrating improved methods for the prevention and control of juvenile delinquency. For the first three years, a total of $30 million was authorized. Only $19.2 million was actually appropriated.

The 1964 extension of the Juvenile Delinquency and Youth Offenses Control Act provided $5 million to HEW to carry out a special demonstration project in Washington, D.C. The act was further extended through June 1967, with an authorization level of $6.5 million for fiscal year 1966, and $10 million for fiscal year 1967, with the stated congressional intention of conducting hearings the following year to review the impact of the legislation. The program expired in 1967.

In 1968, two major pieces of legislation were enacted which concerned delinquency and its prevention. The Juvenile Delinquency Prevention and Control Act of 1968 replaced the Juvenile Delinquency and Youth Offenses Control Act. The 1968 Act was much broader in scope than its predecessor and through it, HEW was expected to help States and localities strengthen their juvenile justice programs, as well as coordinate intergovernmental activities. Also in 1968, as an outgrowth of the President's Commission on Law Enforcement and the Administration of Justice, the Omnibus Crime Control and Safe Streets Act was passed creating the Law Enforcement Assistance Administration (LEAA). Among eligible block grant funding categories for States was one providing for the prevention and control of delinquency. The HEW administered program, during its first three years, was disappointing because of delay and inefficiency. A director of the Youth Development and Delinquency Prevention Administration was not appointed for over 18 months. Less than a third of the $150 million authorized for fiscal years 1968 through 1971 was appropriated. Furthermore, only half of the funds that were appropriated were ever actually expended. Those funds were too often spent on underfunded, unrelated, and scattered projects. Weakness in program administration, the dominance of LEAA, and inadequate funding contributed to a general lack of success.

In 1971, Congress approved a one-year extension of the Juvenile Delinquency Prevention and Control Act. It was understood that any further extension of the program would not be forthcoming unless HEW showed a marked improvement in its efforts to provide national leadership. The 1971 amendments authorized $75 million for fiscal year 1972, and $10 million was appropriated. An interdepartmental council to coordinate Federal delinquency programs was also established.

In 1972, the Juvenile Delinquency Prevention and Control Act was extended for two more years under the name "Juvenile Delinquency Prevention Control Act." An attempt was made to more clearly delineate the respective roles of LEAA and HEW. LEAA was to assist programs inside the juvenile justice system while HEW was to fund preventive programs outside the traditional juvenile justice structure. In extending the program, the Congress again made it clear that the extension was no substitute for vigorous national leadership, coordination, and provision of resources to combat the delinquency problem.

After its creation in 1968, LEAA had considerably more congressional support than the juvenile deliquency programs of HEW. While LEAA's role was more limited to programs within the traditional juvenile justice system, millions of dollars in State and local assistance for juvenile justice improvement programs had been funded. By the end of 1970, over 40 of the LEAA funded State planning agencies, which administered funds under the Safe Streets Act, were also administering HEW supported Juvenile Delinquency Prevention and Control Act programs. In 1971, amendments to the Omnibus Crime Control and Safe Streets Act were enacted which expressed the intent that LEAA should focus greater attention on juvenile delinquency. More emphasis of juvenile delinquency within LEAA, coupled with the failure of HEW to fully implement the Juvenile Delinquency Prevention and Control Act, led to increased LEAA leadership at the Federal level. In short, HEW had the broader mandate, but LEAA had the greater financial resources.

The Crime Control and Safe Streets Amendments of 1973 required LEAA to place more emphasis on delinquency programming. The Act's declaration of purpose specifically recognized the need to prevent juvenile crime through coordinated action at all levels of government. More importantly, the 1973 Amendments required each State planning agency to specifically address juvenile delinquency in its comprehensive plan. Thus, all State comprehensive plans competing for Federal funds were required to include plans for juvenile justice. As a result, it was found that individual States, in addressing their own needs and priorities, were able to direct a substantial amount of LEAA block grant money to projects relating to juvenile delinquency.

In 1974, as the Juvenile Delinquency Prevention Act was about to expire, several bills were proposed to extend or replace it. H.R. 13737 provided assistance to agencies within the juvenile justice system for programs in the area of youth development, and would have addressed the problems of runaway youth. H.R. 6265, on the other hand, was more far-reaching. It provided for both categorical and block grants to States and localities, required submission of a State plan, mandated that 75 percent of the State funds be passed on to localities, and provided administrative provisions to coordinate juvenile delinquency efforts. A third bill, H.R. 9298, was known as the Runaway Youth Act.

On June 12, 1974, this committee ordered a clean bill, H.R. 15276, reported to the House, as amended, by a vote of 28 to 1. The bill passed the House on July 1, 1974, by a vote of 329 to 20. The Juvenile Justice and Delinquency Prevention Act of 1974 was signed by President Ford on September 7, 1974. The act provided for a three-year authorization of $350 million and the creation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within LEAA for the purpose of coordinating all Federal juvenile justice programs. Programs funded under Title III of the act, however, were to be administered by HEW.

Other provisions of the act included the creation of a National Advisory Committee for Juvenile Justice and Delinquency Prevention to advise LEAA on juvenile justice matters. A Coordinating Council on Juvenile Justice and Delinquency Prevention, composed of major Federal agency heads, was created to assist in the concen-

tration of Federal effort. A National Institute for Juvenile Justice and Delinquency Prevention was also created to serve as a clearinghouse for delinquency information and to conduct training, research demonstrations, and evaluations relative to juvenile justice programs.

The act further provided for formula grants to State and local governments and grants to public and private agencies to develop programs with special emphasis on the prevention of delinquency, diversion from the juvenile justice system, and community-based alternatives to traditional incarceration. The granting mechanism provided for both block grant and categorical assistance. All of the approved advanced techniques and special emphasis areas were aimed at decreasing juvenile crime, whether through control or prevention, and reducing juvenile recidivism. Similarly, the act provided that status offenders (juveniles committing offenses that would not be offenses if the juveniles were adults), must not be placed in secure detention or secure correctional facilities and that juveniles should not be placed in any institutions where they would be in regular contact with adults convicted of criminal charges or awaiting trial on such charges.

In 1977, the act was reauthorized for three additional years. H.R. 6111 was the primary House bill, incorporating administration amendments, as well as provisions from H.R. 1137, which proposed an additional focus on learning disabled children who become involved in the juvenile justice system. Representing a strong bipartisan effort, on May 5, 1977, H.R. 6111 was reported to the House by this committee by a vote of 34 to 0. On May 19, 1977, H.R. 6111 was considered and passed by the House by a vote of 401 to 5. On October 3, 1977, H.R. 6111, the Juvenile Justice Amendments of 1977, was signed by President Carter.

Although Federal efforts to alleviate the causes of juvenile delinquency and improve the juvenile justice system date back for over half a century, prior to the Juvenile Justice and Delinquency Prevention Act of 1974, the issue was not approached in a comprehensive fashion. Since passage of the act in 1974, the proportion of serious crime committed by juveniles has steadily fallen as has the number of status offenders and nonoffenders housed in secure detention and correctional facilities. It is now time to again consider the act's reauthorization. This legislation deserves the continued support of the Congress.

III. Hearings

Hearings on H.R. 6704 were held before the Subcommittee on Human Resources on March 19, 1980. Oversight hearings held by this committee since the act's last reauthorization in 1977 were held on January 24, 1978, March 7, 1978, June 27, 1978, March 20, 1979, and June 4, 1979.

Testifying at the reauthorization hearings on March 19, 1980, were Deputy Attorney General Charles B. Renfrew, representing the Justice Department, accompanied by Ira Schwartz, Administrator of the Office of Juvenile Justice and Delinquency Prevention; Acting Assistant Secretary for Human Development Services Cesar Perales, representing the Department of Health, Education and Welfare, accompanied by John A. Calhoun, III, Commissioner of

the Administration on Children, Youth, and Families and Larry Dye, Director of the Youth Development Bureau; and, New Orleans Mayor Ernest N. Morial. Testimony was also received from the National Advisory Committee on Juvenile Justice and Delinquency Prevention, the National Governor's Association, the National Association of Counties, the National Council of Juvenile and Family Court Judges, the Director of the California Youth Authority, the Director of the Division of Public Safety for the State of North Carolina, the National Collaboration for Youth, the Council for Exceptional Children, the Association of Junior Leagues, the National Council of Jewish Women, and program representatives from Madison, Wisconsin, Pierre, South Dakota, Chicago, Illinois, and Davis, California.

The committee also received written submissions from Representatives Thomas Ludlow Ashby, Julian C. Dixon, and Parren J. Mitchell, the National PTA, the National Council on Crime and Delinquency, the Association for Children with Learning Disabilities, the National Association of Social Workers, the National Coalition of Hispanic Mental Health and Human Services Organizations, the Child Welfare League of America, the National Criminal Justice Association, the National Association of Criminal Justice Planners, the Association of state Juvenile Justice Administrators, the National Network of Runaway and Youth Services, Inc., the National Youth Workers Alliance, the National Runaway Switchboard, the Arizona Juvenile Justice and Delinquency Prevention Advisory Council, the Juvenile Justice Advisory Group of Maine, the Massachusetts Juvenile Justice Advisory Committee, the Michigan Advisory Committee on Juvenile Justice, the New Jersey Governor's Advisory Committee on Juvenile Justice and Delinquency Prevention, the New Mexico Juvenile Justice Advisory Committee, the Commonwealth of Virginia Juvenile Justice and Delinquency Prevention Advisory Council, the California Child, Youth and Family Coalition, the Pennsylvania Congress of Parents and Teachers, Inc., Georgetown University, the Albuquerque Association for Children with Learning Disabilities, the Cleveland Association for Children with Learning Disabilities, the YWCA of Greater Pittsburgh, and other interested and concerned citizens.

The committee has fully considered all views presented in recommending the legislation here reported.

IV. Legislation Considered by the Committee

AUTHORIZATION OF APPROPRIATIONS

H.R. 6704 extends the Juvenile Justice and Delinquency Prevention Act of 1974, including Title III, the Runaway and Homeless Youth program, for four additional years at current authorization of appropriations levels.

FINDINGS

The committee proposes additions to the findings of the act to clarify that alcohol should also be considered as an addicting drug causing increasing problems for juveniles and to express the belief

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that the juvenile justice system should give additional attention to the problems of juveniles who commit serious crimes.

PURPOSE

H.R. 6704 would expand the existing purposes enumerated for the act in two respects. It specifies as a purpose of the act providing assistance to State and local governments in the removal of juveniles from jails and lock-ups for adults, to conform with newly added State plan requirements and new program authorities. It further expresses a declared policy of Congress that among effective prevention programs encouraged by the act, those with a special focus on maintaining and strengthening the family unit should be included. The committee believes that many juveniles removed from their homes could be better served if resources were focused on strengthening the family so the child could be maintained there as opposed to focusing resources on creating facilities to serve as alternatives to family placement. The committee sees this as more efficient and less costly, as well as potentially more effective.

DEFINITIONS

A number of definitional clarifications are made by the committee bill. These clarifications include defining what services may be appropriately considered as "community-based"; defining new organization entities within the Office of Justice Assistance, Research and Statistics (OJARS) subsequent to reauthorization in 1979 of the Omnibus Crime Control and Safe Streets Act of 1968; clarifying the definition of the term "State" with regard to the territories; and, expanding the definition of what constitutes appropriate "treatment" under the act, to include special education and programs designed to eliminate juvenile dependence on alcohol or other addictive and nonaddictive drugs.

H.R. 6704 redefines and clarifies the term "correctional institution or facility" in order to recognize the difference between detention and correctional facilities and to define the term secure, in conformance with current practice. The new definition is intended to provide more specificity and clarity. It is not intended, particularly with regard to the term "secure", to indicate a desire on the part of the committee for a change in current practice as expressed in existing regulations. The current definition of secure, as defined in current regulations, seems acceptable both to the States and to practitioners. Current practice as provided for by existing regulations, defines a secure facility as one which is designed and operated so as to ensure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, locked fences, or physical restraints in order to control the behavior of its residents.

The committee also provides a new definition. That is for the term "serious crime" which relates to references throughout H.R. 6704 to new program authority for juveniles who commit serious crimes. The definition is the same as those considered as serious (Part I offenses) by the Uniform Crime Reports of the Federal

Bureau of Investigation and all reporting police departments throughout the nation.

Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), including the role of its Administrator, was carefully examined during committee oversight. Current law establishes OJJDP within the Law Enforcement Assistance Administration (LEAA) and makes the OJJDP Administrator specifically subject to the direction of the Administrator of LEAA.

In 1979, when the Omnibus Crime Control and Safe Streets Act of 1968 was reauthorized through the Justice System Improvement Act Amendments of 1979, LEAA was reorganized. A coordinative body known as the Office of Jusitice Assistance, Research, and Statistics (OJARS) was created and under it three administrative "boxes" constructed from what has been LEAA. LEAA itself was retained as one box of provide State and local assistance. The National Institute of Law Enforcement and Criminal Justice (NILECJ), which had conducted research within LEAA, was removed from LEAA and made a separate box, known as the National Institute of Justice (NIJ). Statistical operations were removed from LEAA and coupled with other statistical operations carried on elsewhere in the Justice Department and made a third box, the Bureau of Justice Statistics (BJS). H.R. 6704 would establish OJJDP as a "fourth box" under the coordination of OJARS and "under the general authority of the Attorney General", on equal footing with LEAA, the NIJ, and the BJS.

Establishing OJJDP as a separate administrative entity should succeed in making the Office more accountable to Congress and this committee as it implements the act. The Juvenile Justice and Delinquency Prevention Act of 1974 is a free-standing piece of legislation authorizing a Presidentally appointed Administrator to implement the act. Congress should be able to hold the Administrator responsible for implementing the act. Establishing OJJDP as a "fourth box" should also establish it as a separate line item within the Federal budget and increase efficiency by reducing bureaucratic time-delays caused by the duplication involved in dual decisionmaking. During hearings on H.R. 6704, establishing OJJDP as a separate entity was endorsed by, among others:

The National Advisory Committee on Juvenile Justice and Delinquency Prevention;

Governor's State Juvenile Justice Advisory Groups from New Jersey, Massachusetts, Virginia, Arizona, Michigan, and Maine;

The National Association of Counties;

The U.S. Conference of Mayors;

The National Council of Juvenile and Family Court Judges;

The National Collaboration for Youth (on behalf of the American Red Cross, Boy's Clubs of America, Camp Fire, Inc., Girls Clubs of America, YWCA, YMCA, National Network Services of Runaway Youth and Families, United Neighborhood Centers, and Girl Scouts);

The National Council of Jewish Women;

The Child Welfare League of America;

The Association of State Juvenile Justice Administrators;

The National Youth Workers Alliance;

The National Association of Social Workers;

Region I Coalition of State Advisory Group Chairs (representing Maine, New Hampshire, Vermont, Connecticut, Massachusetts and Rhode Island).

OJARS is intended to provide coordination and support services for OJJDP in the same manner as it does for LEAA, NIJ, and BJS. It is not intended that OJARS exercise any policy control over the activities of OJJDP. The relationship between OJJDP and the Department of Justice is expected to be similar to that enjoyed by LEAA since 1968. It is not anticipated nor intended that the Attorney General be involved in the day-to-day operations of the OJJDP program. OJJDP is established by H.R. 6704 as a separate agency within the Department of Justice, under the coordination of OJARS, but vested with all the operational and administrative authority necessary to enable it to accomplish the purposes of the act. It is expected that, for the purposes of the Organization of the Department of Justice, set forth a Part O of Title 28 of the Code of Federal Regulations, OJJDP will be designated as a principal organizational unit within the Department of Justice.

The phrase, "under the general authority of the Attorney General", is intended to empower the Attorney General to set major policy objectives within which OJJDP would function. The Attorney General may exercise regulatory authority regarding OJJDP pursuant to Title 5 of the United States Code, which specifies that the Department of Justice as an Executive Agency and that the Attorney General, as head of the Justice Department, may prescribe regulations for the governance of the department, the conduct of employees, the distribution and performance of its duties and the like. The Attorney General also has budgetary powers over OJJDP.

Coordinating Council on Juvenile Justice and Delinquency Prevention

The Federal Coordinating Council on Juvenile Justice and Delinquency Prevention was mandated by the 1974 act for the purpose of coordinating all Federal juvenile delinquency programs and policy. While one of the most important and potentially innovative components of the Federal program, its performance through mid-1979 can be described as sporadic. Through much of its life, it has not even succeeded in meeting the required number of times. In 1977, the Juvenile Justice Amendments of 1977 reduced the number of required annual meetings from 6 to 4, hoping that a greater interval of time between meetings might allow for more extensive staff preparation. Yet in 1978, after considerable pressure from committee oversight, the Council met its four meetings requirement only by meeting on three consecutive days near the end of the year—on December 18th, 19th, and 20th.

The committee intends for the Coordinating Council to function and function successfully. The coordination of Federal programs and policy are a prerequisite for Federal leadership. It can provide a means of avoiding duplication while at the same time promoting cooperative Federal efforts to address common problems. H.R. 6704 therefore makes the following changes: (1) it requires that meetings be held "quarterly" rather than "a minimum of four times a year"; (2) it requires that annual reports be submitted to the Congress as well as to the President; and (3) it adds a new function for the

Council to review and make recommendations with respect to any joint funding proposal undertaken by the Office and any agency represented on the Council. H.R. 6704 further requires that the Administrator of OJJDP "shall" rather than "may" appoint staff support. It is the intent of the committee that the Coordinating Council be given its own budget line item with a cap on appropriations not to exceed $500,000 for each fiscal year.

H.R. 6704 expands Council membership to include the following Federal agency heads: the Secretary of Education, the Director of the Community Services Administration, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration of Children, Youth and Families, the Director of the Youth Development Bureau, the Director of OJARS, the Administrator of LEAA, and the Director of the National Institute of Justice.

Nationel Advisory Committee on Juvenile Justice and Delinquency Prevention

The role of the Nationai Advisory Committee (NAC) is to advise OJJDP, the President, and the Congress with respect to matters pertaining to Federal juvenile justice programs and policy. It provides citizen input. While generally successful, there have been problems, as documented during committee oversight in 1978 and 1979.

Failure on the part of the President to appoint new members in a timely fashion to replace those whose terms had expired left the NAC with seven vacant chairs for eight months. This caused difficulties obtaining quorums and subsequent problems in meeting the act's requirement to meet a minimum of four times a year.

Staff support was also a problem—seemingly dependent on the willingness of OJJDP's Administrator to provide such support. Since passage of the 1977 amendments, such staff support as has been provided has been somewhat inconsistent—supplied at times by various personnel assigned from OJJDP on a less than full-time basis and two different private consultant contractors. The result has been inconsistent performance in some areas. A report on standards, required by law for submission to the President and Congress by the end of 1975 has yet to be submitted.

It is the intent of the committee that citizen input be taken seriously. To correct existing problems, H.R. 6704 reorganizes the NAC to bring it more in line with other Presidental advisory committees under the jurisdiction of the committee—namely the Federal Council on Aging and the National Advisory Council on Economic Opportunity. This reorganization calls for streamlining NAC membership from 21 to 15 members, mandating full-time, independent, non-contractual staff support, consolidating NAC duties, and allowing NAC members to serve until their replacements are named, while requiring the President to fill vacancies not later than 90 days after they occur.

Section 207(f) of the committee bill authorized the chairman of NAC, with the approval of the membership, to appoint personnel to provide staff services. It also forbids procurement of any temporary or intermittent contractural services of personnel under section 3109 of Title 5, United States Code. Section 207(h) places a cap on

appropriations, not to exceed $500,000 for each fiscal year. It is the intent of the committee that appropriations for NAC be considered as a separate line item in the Federal budget.

Part B—Federal Assistance for State and Local Programs

REALLOCATION OF PART B FUNDS

The committee bill amends section 222(b) to provide that formula grant funds unobligated at the end of the fiscal year shall be reallocated in an equitable manner among States which have demonstrated compliance with the deinstitutionalization and separation requirements of the act. "Equitable", with regard to the reallocation of unobligated formula grant and special emphasis funds, is intended to mean on the basis of a compliant State's relative population of people under age eighteen as compared to that of other compliant States.

Similarly, section 223(d) is amended to provide that where formula funds are to be reallocated during a fiscal year, whether voluntarily or because of a State's failure to submit a plan meeting the section 223 requirements, such funds are also to be reallocated among compliant States. Funds reallocated under section 222(b) would be added to the allocation of funds for the following fiscal year and those reallocated under section 223(d) would be allocated as a supplement to qualifying States' current fiscal year awards. In either case, these awards would be for programs consistent with the purpose of section 223(a)(10)(14) of the act.

Any unused Part B special emphasis (discretionary) funds reverting to OJJDP are to be available for reallocation as special emphasis awards to compliant States on an equitable basis consistent with the amendments made by H.R. 6704 in section 228(f) of the act as reported out of committee. These additional allocations would be for the purpose of section 224(a)(5) of the act.

STATE PLANS

H.R. 6704 makes several changes in State plan requirements in order to reduce paperwork and bring juvenile justice and delinquency prevention plan requirements into conformance with State planning agency criminal justice plan requirements subsequent to the 1979 reauthorization of the Omnibus Crime Control and Safe Streets Act of 1968. These include provision of three-year, rather than annual, plan submission requirements and a revision in plan format made to section 223(a)(8). H.R. 6704, for the first time, requires that participating States provide for a State concentration effort to parallel the Federal concentration of effort provided for in the act.

STATE ADVISORY GROUPS

In an effort to further strengthen State advisory groups, H.R. 6704 makes several minor changes. In accord with the reorganization of the National Advisory Committee, the committee bill provides that membership should consist of not less than 15 rather than not less than 21 members. The committee bill requires that

locally elected officials be included in advisory group membership and specifies that public agencies concerned with special education ought to be among those considered for representation.

H.R. 6704 reduces the mandatory percentage of advisory group members who are to be considered "youth" representatives from one-third to one-fifth but correspondingly lowers the maximum age for inclusion in this category from 26 years of age to 24 years of age. This should give Governors more flexibility in the selection of group members while at the same time providing for a more true reflection of youth needs. It should be emphasized that the requirement specifies "at least" one-fifth. The committee believes a higher percentage can be advantageous but would leave that determination to individual States.

The committee bill requires that three of the members of the advisory group shall have been or shall be under the jurisdiction of the juvenile justice system. The previous requirement had been that these three members had to be from among the youth members. H.R. 6704 broadens this requirement to include full membership but adds the additional mandate that State advisory groups contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system. The committee firmly believes that advisory groups should have a first-hand awareness of state correctional facilities and justice systems and that at least part of that awareness should come from young people who are involved at the time. The committee is concerned that some advisory groups might consider their duty to gain such awareness completed when a few youth members with such experience are appointed to advisory group membership. The committee intends that advisory group members be actively involved in acquiring continuing perspectives from "consumers" within the juvenile justice system.

H.R. 6704 also makes it a requirement that advisory groups make at least annual recommendations to the Governor and the legislature. Previously, advice could be provided only on request.

ADVANCED TECHNIQUES

Current law provides that not less than 75 percent of formula grants funds allocated to a particular State must be used for "advanced technique" programs. These programs include programs to develop, maintain, and expand juvenile delinquency prevention services, to direct juveniles from the juvenile justice system, and to provide community-based alternatives to confinment in secure detention facilities and secure correctional facilities. H.R. 6704 adds, as an additional authority, the provision of programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation.

In addition, the committee bill expands the list of specific advanced techniques mentioned in the bill. It broadens and clarifies the advanced technique program category calling for the use of local government subsidies or financial incentives by specifying that such subsidies shall be designed to either: (1) remove juveniles from jails and lock-ups for adults; (2) replicate juvenile programs designated as exemplary by the National Institute of Justice; (3) es-

tablish and adopt standards for the improvement of juvenile justice; or (4) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention.

H.R. 6704 expands eligibility of programs designed to implement projects relating to juvenile delinquency and learning disabilities to include on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth.

The committee bill also identifies projects designed to work with juvenile gangs as an eligible advanced technique program area.

REMOVAL OF JUVENILES FROM JAILS AND LOCK-UPS FOR ADULTS

The committee bill would add a new section 223(a)(14) to current law to require the removal of juveniles from jails and lock-ups for adults. States participating in the formula grant program would have five years from the enactment of the Juvenile Justice Amendments of 1980 to achieve compliance with this new provision. States that are in substantial compliance with the requirement after five years, through the achievement of at least 75 percent removal of juveniles from jails and lock-ups for adults, may be given up to two additional years to achieve full compliance if the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable period of time not to exceed two years.

This new paragraph complements the existing deinstitutionalization and separation provisions of the act. Section 223(a)(12) requires that participating States remove all juveniles who have committed offenses that would not be criminal if committed by an adult (status offenders) and nonoffenders such as dependent or neglected children, from secure juvenile detention or secure correctional facilities. Most States are in the process of completing this effort. Section 223(a)(13) of the act requires participating States to provide that juveniles who are alleged to be or found to be delinquent, as well as juveniles within the scope of section 223(a)(12), shall not be detained or confined in any institution in which they are in regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

The committee believes, based on evidence presented during hearings on H.R. 6704, that the time has come to go farther. Statistics from recent surveys covering nine states indicated that 18 percent of the juveniles jailed in adult facilities had not committed a criminal offense. It was reported that 4 percent had committed no offense at all. Furthermore, it was reported that of those juveniles in jail for criminal offenses, 88 percent were there on property and minor charges. Witnesses during the hearings pointed to potential physical and sexual abuse encountered by juveniles incarcerated in adult jails. It was pointed out that during 1978, the suicide rate for juveniles incarcerated in adult jails was approximately seven times the rate of children held in secure juvenile detention facilities. One Department of Justice official termed this a "national catastrophe."

Statistics on inappropriate placements, the evidence of harm, the growing body of constitutional law, and the expressed belief that properly planned and implemented removal of juveniles from all

adult jails and lock-ups is economically feasible, promoted the committee amendment. Among those on record supporting the removal of juveniles from adult jails and lock-ups were the Justice Department; the National Coalition for Jail Reform; the American Correctional Association; the National Council of Juvenile and Family Court Judges; the National Sheriff's Association; the National Association of Counties; the National League of Cities; the National Association of Blacks in Criminal Justice; the Association of Junior Leagues; the National Council on Crime and Delinquency; the Child Welfare League of America; and the American Civil Liberties Union.

The new provision does not require the release of any juvenile delinquent offenders from secure detention or secure correctional facilities. Juveniles alleged to have committed delinquent offenses can still be detained in secure facilities—but not in adult jails and lock-ups.

The committee intends the new provision to extend to all juveniles who may be subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations established by State law. If a juvenile is formally waived or transferred to criminal court by a juvenile court and criminal charges have been filed or a criminal court with original or concurrent jurisdiction over a juvenile has formally asserted its jurisdiction through the filing of criminal charges against a juvenile, the section 223(a)(14) prohibition no longer attaches.

The committee recognizes that flexibility may be required in the case of juveniles who are waived or otherwise come under criminal court jurisdiction. Appropriate alternative secure placements for serious and violent juvenile criminal offenders waived or bound over to adult court are often not available. For these juveniles, a judicial or legislative determination has been made that they are not to be processed in the juvenile justice system. However, the new provision is not intended to encourage increased waivers of juveniles to criminal court, a decrease in the age of original or concurrent criminal court jurisdiction, or a lowering of the age of juvenile court jurisdictions for specific categories or classes of offenses committed by juveniles.

The new provision requires removal of juveniles from adult jails and lock-ups. For the purposes of this provision, a jail for adults is defined as a locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trail. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year. The new provision is intended to require the removal of juveniles from such facilities. A lock-up for adults is similar to a jail for adults except that it is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Facilities which are not authorized to or do not in practice hold adults convicted of a crime or awaiting trail on criminal charges are not considered adult jails or lock-ups. Also, institutions and facilities that are used exclusively for the post-conviction or post-adjudication detention or confinement of offenders who have been convicted of crimes or adjudicated delinquent are not adult jails or

lock-ups. Juveniles adjudicated delinquent, if confined in an institution that incarcerates adult criminal offenders, would continue to have to be separated from regular contact with adults in order for the State to be in compliance with the section 223(a)(13) separation requirement.

The committee expects a "rule of reason" to be followed in the implementation of section 223(a)(14). For example, it would be permissible for OJJDP to permit temporary holding in an adult jail or lock-up by police of juveniles arrested for committing an act which would be a crime if committed by an adult for purposes of identification, processing, and transfer to juvenile court officials or juvenile shelter or detention facilities. Any such holding of juveniles should be limited to the absolute minimum time necessary to complete this action, not to exceed six hours, but in no case overnight. Section 223(a)(13) would prohibit such juveniles who are delinquent offenders from having regular contact with adult offenders during this brief holding period.

MONITORING REQUIREMENTS

Current law requires that participating States provide for an adequate system of monitoring jails, detention facilities, correctional facilities and non-secure facilities to insure that the deinstitutionalization and separation requirements are being met and provide for annual reporting of results. H.R. 6704 provides that monitoring reports shall also include progress regarding the new requirement of removing juveniles from jails and lock-ups for adults.

It also provides that annual monitoring report requirements shall not apply to States which are fully in compliance with the deinstitutionalization, separation, and removal-from-adult-jail requirements and which have enacted State legislation which conforms to those requirements and which, in the opinion of the Administrator, contain sufficient enforcement mechanisms to insure that the legislation will be administered effectively. The intent of the committee is to reduce paperwork, to provide an additional incentive for full compliance, and to encourage States to pass State legislation which conforms to the requirements of the act.

SUBSTANTIAL COMPLIANCE

Current law provides, in section 223(c), for termination of a State's eligibility to participate if there is a failure to comply with the deinstitutionalization requirement but also provides for up to two years additional participation, if substantial compliance with the requirement has been reached. H.R. 6704 extends the substantial compliance provision to the removal-of-juveniles-from-adult-jails requirement and, with regard to the deinstitutionalization mandate, provides an additional criteria for what substantial compliance might look like. Current law recognizes no differences between status offenders held in secure detention and those placed for long periods of time in secure correctional facilities. It provides that if a State has deinstitutionalized not less than 75 percent of such juveniles and has an unequivocal commitment to achieve full compliance within a reasonable time, eligibility can continue. H.R.

6704 modifies that definition only to the extent that eligibility could also be continued if a State had totally removed status offenders and other nonoffenders from correction facilities within the three year period, as opposed to a 75 percent reduction of both detention and correctional placements. The maximum time allowed for full compliance would remain the same—five years.

The committee is concerned about children who have committed no criminal offense being locked away in secure correctional placements for long periods of time. Secure detention, while still harmful to status offenders and nonoffenders, is of shorter duration. The committee believes that States who have totally ended the practice of placing status offenders and nonoffenders in secure correctional placements within the allowable three year time period should also be judged to have made a good faith effort.

SPECIAL EMPHASIS PROGRAMS

H.R. 6704 makes only slight modifications to the programs identified by the act as special emphasis areas. It adds a statewide subsidy program similar to that provided for among formula grant advanced techniques and expands program authority for projects relating to juvenile delinquency and learning disabilities to include on-the-job training for law enforcement and juvenile justice personnel, also similar to that provided for among formula grant advanced techniques.

The committee bill does make a noteworthy addition to this section, however, by requiring that the Administrator of OJJDP makes this assistance available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth. Similar requirements are placed on the States by existing law and it is only reasonable the Federal discretionary funds be available under the same requirement.

There have been rather serious allegations brought to the attention of the committee that assistance has been available, in the past, on an inequitable basis, particularly with regard to minority youth. The committee strongly encourages the Administrator of OJJDP to formally investigate these allegations and report the findings. Should such inequity exist, as alleged, it is the intent of the committee that it be corrected.

Part C—National Institute for Juvenile Justice and Delinquency Prevention

The committee bill makes no change in the structure or function of the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP). It is the belief of the commitee that research conducted by NIJJDP should be closely coordinated with that of the National Institute of Justice in order to avoid duplication. It is further the intent of the committee that appropriations for NAC be considered as a separate line item in the Federal budget.

H.R. 6704 broadens the name and scope of Title III programs to Runaway and Homeless Youth, in recognition of the fact that many youth presently being served by Title III projects do not leave home of their own accord, but may, in many instances, be pushed out or be running from physical or sexual abuse.

The committee bill requires for the first time that Title III grants be made equitably among the States based upon their respective population of youth under 18 years of age. This conforms grant allocation under Title III to the same criteria for distributing assistance utilized in Title II of the act. It is done also in recognition of evidence presented to the committee during oversight that more children running away today are running within their own communities or being pushed out rather than running across country. This being the case, assistance is needed in communities across the country and funds should be allocated in such a way as to reflect that fact.

Two additional program authorities are given the Secretary of Health and Human Services. One is to provide supplemental grants to centers which develop, with the cooperation of juvenile court and social services personnel, model programs addressing the needs of chronic runaways—those who run from home or placements repeatedly. The second is to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist them in recognizing and providing for learning disabled and other handicapped juveniles.

V. Conclusion

The committee believes that H.R. 6704 will strengthen and revitalize programs established by the Juvenile Justice and Delinquency Prevention Act of 1974. The committee bill reflects recommendations included in H.R. 6704, as originally introduced, H.R. 6983, the Administration's bill, and the comments of many interested public and private representatives.

The Federal government does have a valuable role to play in supplying resources needed to combat delinquency and leadership required to assure coordination and cooperation at all levels. The problems associated with juvenile criminality and delinquency will not be easily cured. Many factors are involved which have only begun to be addressed. Funding is certainly an important component in the implementation of a national strategy to deal with delinquency. But more than money is needed. There must be a commitment by all involved to resolve the legal and social problems which lead children into trouble. Alternatives to traditional policies must be developed and innovation must be encouraged. Many States, localities, and private organizations are already redirecting and increasing their efforts in this area. The committee believes that H.R. 6704 can further emphasize the commitment that is needed. Passage of the bill will provide important focus for this program and permit its full potential to be realized.

VI. Committee Approval

In compliance with clause 2(c)(1)(2)(b) of rule XI of the Rules of the House of Representatives, the committee states that on April 22, 1980, a quorum being present, the committee favorably reported H.R. 6704, as amended by a roll call vote of 32 to 0.

VII. Oversight Statement

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, this report embodies the findings and recommendations of the Subcommittee on Human Resources, established pursuant to clause 2(B)(1) of Rule X of the Rules of the House of Representatives and rule 18(a) of the Rules of the Committee on Education and Labor. Pursuant to its responsibilities, the committee has determined that legislation should be enacted as set forth in H.R. 6704, as amended.

VIII. Inflationary Impact Statement

In compliance with clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the committee states that the enactment into law of H.R. 6704 will have no inflationary impact on prices and costs in the operation of the economy. H.R. 6704 maintains the current level for authorization of appropriations for an additional four years. This amounts to a total authorization level for Titles II and III programs of $225 million, which represents less than four hundredths of one percent of the $691.3 billion budget authority proposed in the Administration's revised budget for fiscal year 1981. The $130 million is estimated budget outlays projected by the Congressional Budget Office for the Juvenile Justice Act programs in fiscal year 1981 represents about two hundredths of one percent of the $611.5 billion in total outlays under the Administration's proposed budget for fiscal year 1981.

IX. Oversight Findings and Recommendations of the Committee on Government Operations

In compliance with clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee states that no findings or recommendation of the Committee on Government Operations were submitted to the Committee.

X. Cost of This Legislation

A. ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the estimate and comparison prepared by the Director of the Congressional Office pursuant to section 403 of the Congressional Budget Act of 1974, as timely submitted prior to the filing of this report, is set forth below.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C. May 6, 1980.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6704, the Juvenile Justice Amendments of 1980.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

JAMES BLUM,
(for Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—MAY 6, 1980

1. Bill number: H.R. 6704.
2. Bill title: Juvenile Justice Amendments of 1980.
3. Bill status: As ordered reported by the House Committee on Education and Labor, April 22, 1980.
4. Bill purpose: The purpose of this legislation is to authorize the appropriation of funds for juvenile justice and delinquency prevention and runaway and homeless youth programs. Specifically, the bill authorizes $200 million for each of the fiscal years 1981 through 1984 for juvenile justice programs, and $25 million each year for the same period for youth programs. The bill also limits the authorizations for the Coordinating Council and the National Advisory Committee for juvenile justice and delinquency prevention to $500,000 per year. This amount is contained in the $200 million authorization for the juvenile justice programs.
5. Cost estimate:

[By fiscal years, in millions of dollars]

Authorization level:	
1981	225
1982	225
1983	225
1984	225
1985	
Estimated outlays:	
1981	130
1982	225
1983	225
1984	225
1985	95

The costs of this bill fall primarily within budget function 750.

6. Basis of estimate: For the purpose of this estimate, it has been assumed that the full amounts authorized for each fiscal year will be appropriated. Estimated outlays are based on information obtained from the Justice Department and on historical spending patterns which indicate that approximately 60 percent of each year's funds for the juvenile justice programs are spent in the first year, and 40 percent in the second year. The runaway and homeless

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youth programs are estimated to spend 50 percent of their funds in the first year, and the remaining 50 percent in the second year.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Kathy Weiss.

10. Estimate approved by: C. G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

B. COMMITTEE ESTIMATE

In compliance with clause 7(a)(1) of rule XIII of the Rules of the House of Representatives, the committee adopts the estimate prepared by the Director of the Congressional Budget Office.

XI. SECTION-BY-SECTION EXPLANATION

SHORT TITLE

Section 1 of the bill provides that this legislation may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

Section 2(a) amends section 241(a) of the act as redesignated to provide for a 4-year reauthorization at current authorized levels of funding for Title II programs.

Section 2(b) amends section 341(a) of the act to provide a 4-year reauthorization at currently authorized levels of funding for Title III programs.

FINDINGS

Section 3 amends Section 101(a) of the act to clarify that alcohol is also found to be a drug which contributes to delinquency, by making a technical amendment preparatory to the addition of a new paragraph, and by adding a new paragraph, (8), finding that "the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation."

PURPOSE

Section 4(a) amends section 102(a) of the act to provide that an additional purpose of the act is to assist State and local governments in removing juveniles from jails and lockups for adults.

Section 4(b) amends section 102(b)(1) of the act to clarify that it is the purpose of Congress, in providing necessary resources, leadership, and coordination for developing and implementing methods of preventing and reducing delinquency, to include methods with a special focus on maintaining and strengthening the family unit.

DEFINITIONS

Section 5(a) amends section 103(1) of the act to clarify that special education is an appropriate rehabilitative service which may be carried out in a "community based" facility.

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Section 5(b) amends section 103(4) of the act to specify that the "Office of Justice Assistance, Research and Statistics," the "Law Enforcement Assistance Administration," the "National Institute of Justice," and the "Bureau of Justice Statistics" are those agencies established respectively by sections 801(a), 101, 202(a), and 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968.

Section 5(c) amends section 103(7) of the act to specify which territories or possessions are to be treated as "States" for the purpose of the act.

Section 5(d) amends section 103(9) to clarify that juvenile justice and delinquency prevention plans rather than law enforcement plans are those qualifying groupings of States and units of local governments as a "combination" for the purposes of the act.

Section 5(e) amends section 103(12) of the act to strike the definition of "correctional institution or facility" and to replace it with a more specific definition of "secure detention facility" describing such facility as any public or private residential facility which is designed to be physically restrictive for those held in lawful custody and used for temporary placement of juveniles or other individuals, accused of criminal offenses.

Section 5(f) amends section 103 of the act to make a technical amendment and inserting 2 new paragraphs to define the terms "secure correctional facility" and "serious crime". The term "secure correctional facility" is defined to include any public or private residential placement which is designed to be physically restrictive for those held in lawful custody and used for placement after adjudication and disposition. The term "serious crime" is defined to include criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

Section 5(g) amends section 103(15) of the act to clarify that special education is an appropriate form of treatment for the purposes of the act and to clarify that alcohol should be considered addicting for the purposes of the act and that treatment is also appropriate to eliminate or control dependence on nonaddictive as well as addictive drugs.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 6(a) amends section 201(a) of the act to place the Office under the general authority of the Attorney General rather than within the Law Enforcement Assistance Administration.

Section 6(b) amends section 201(d) to provide that the administrator exercises all necessary powers under the general authority of the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration; to clarify that the Administrator of the Office of Juvenile Justice and Delinquency Prevention is authorized to prescribe regulations for all grants and contracts available under part B and part C of title II; and to provide that the Administrator of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice may delegate authority to the Administrator of the Office for all juvenile justice and delinquency prevention grants and contracts for funds made available under the Omnibus Crime Control and Safe Streets Act of 1968.

Section 6(c) amends section 201(e) of the act to provide that the Deputy Administrator of the Office shall be appointed by the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration.

Section 6(d) amends section 201(f) to provide that the Deputy Administrator of the Office whose function is to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention shall be appointed by the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration.

CONCENTRATION OF FEDERAL EFFORTS

Section 7(a) amends section 204(b) to make a conforming amendment and to authorize the Administrator of the Office of Juvenile Justice and Delinquency Prevention to provide training assistance, as well as technical assistance, to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

Section 7(b) amends section 204 to place a limit on appropriations for the purposes of section 204, not to exceed 7.5 percent of the total amount appropriated to carry out title II for each fiscal year.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 8(a) amends section 206(a)(1) of the act to clarify that the Secretary of Housing and Urban Development is a cabinet level secretary included on the Coordinating Council; to add the Secretary of Education as a new cabinet level member; and to add the Director of the Community Services Administration, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau to the Coordinating Council.

Section 8(b) amends section 206(c) to provide that the Coordinating Council make its annual recommendations to the Congress as well as the President and to provide that the Coordinating Council shall review and make recommendations with respect to any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.

Section 8(c) amends section 206(d) of the act to stipulate that the Coordinating Council should meet at least quarterly rather than simply four times a year.

Section 8(d) amends section 206(e) of the act to provide that the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall, rather than may, appoint such personnel or staff support as he considers necessary.

Section 8(e) amends section 206(g) of the act to place a limit on authorizations of appropriations for the Coordinating Council, not to exceed $500,000 for each fiscal year.

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NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 9 amends part A of title II of the act to strike out section 207, section 208, and section 209, and inserting a single new section for the purpose of reorganizing the National Advisory Committee. Changes subsequent to the reorganization: (1) provide for 15, rather than 21 members, appointed by the President; (2) provide that five of the members so appointed shall not have attained 24 years of age on or before the date of their appointment; (3) require that 2 of the members shall be or shall have been under the jurisdiction of the juvenile justice system; (4) require the Advisory Committee to contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; (5) provide that members be appointed for 3 rather than 4 years; (6) require the initial appointment of members to be made not later than 90 days after the effective date of the new section; (7) require the President to fill vacancies no later than 90 days after a vacancy occurs; (8) allow members to serve after their terms expire until their successors are named; (9) require at least quarterly meetings rather than a minimum of 4 meetings a year; (10) provide for a date of submission for annual recommendations to the President and Congress; (11) provide for staff assistance appointed by the Chairman rather than the Administrator of the Office; (12) provide that the Advisory Committee shall not have any authority to procure employment of experts and consultants as specified in section 3109 of title 5 of the United States Code; and (13) place a limit of authorizations of appropriations, not to exceed $500,000 per fiscal year.

ALLOCATION

Section 10 amends section 222(b) to provide that formula funds unobligated at the end of each fiscal year shall be reallocated in an equitable manner to States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by the States in a manner consistent with the purposes of section 223(a)(10)(H).

STATE PLANS

Section 11(a)(1) amends section 223(a) of the act to provide for 3-year, rather than annual, plans, and annually submitted performance reports which describe progress in implementing programs contained in the original plan and the status of compliance with State plan requirements.

Section 11(a)(2) amends section 223(a)(3)(A) to provide that State advisory groups shall consist of between 15 and 33 members rather than between 21 and 33 members.

Section 11(a)(2) amends section 223(a)(3)(A) to provide that locally elected officials be included on State advisory groups and to clarify that special education departments should be included along with other public agencies for representation on State advisory groups.

Section 11(a)(4) amends section 223(a)(3)(E) of the act to provide that one-fifth of the members of State advisory groups shall be under

24 years of age at the time of their appointment, rather than one-third under 26 years of age.

Section 11(a)(5) amends section 223(a)(3)(F) of the act to require that State advisory groups submit recommendations to the Governor and the state legislature at least annually regarding matters related to its functions and to require that State advisory groups contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

Section 11(a)(6) amends section 223(a)(3)(F)(iii) of the act to make a technical amendment.

Section 11(a)(7) amends section 223(a)(8) to conform State juvenile justice plan requirements with State criminal justice application requirements and to require a State concentration of effort to coordinate State juvenile delinquency programs and policy.

Section 11(a)(8) amends section 223(a)(10) of the act to clarify that the advanced techniques described in the paragraph are to be used to provide community-based alternatives to "secure" juvenile detention and correctional facilities; to make a technical amendment; to clarify that advanced techniques can be used for the purpose of providing programs for juveniles who have committed serious crimes, particularly programs designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation; and to add for a new advanced technique category providing for projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members.

Section 11(a)(9) amends section 223(a)(10)(A) of the act to clarify that education and special education programs are appropriate to be included among community-based programs and services.

Section 11(a)(10) amends section 223(a)(10)(E) of the act to clarify that educational programs included as advanced techniques should be designed to encourage delinquent and other youth to remain in school.

Section 11(a)(11) amends section 223(a)(10)(H) of the act to provide that statewide programs through the use of subsidies or other financial incentives to units of local government should be designed to: (1) remove juveniles from jails and lock-ups for adults; (2) replicate juvenile programs designed as exemplary by the National Institute of Justice; or, (3) to establish and adopt standards for the improvement of juvenile justice within the State; or, (4) to increase the use of nonsecure, community-based facilities and discourage the use of secure incarceration and detention.

Section 11(a)(12) amends section 223(a)(10)(I) of the act to clarify that advanced technique programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities may include on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles.

Section 11(a)(13) amends section 223(a)(12)(A) of the act to clarify that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult shall not be placed in "secure detention facilities or secure correctional facilities" rather than simply "juvenile detention or correctional facilities."

Section 11(a)(14) amends section 223(a)(14) to make a technical amendment redesignating it as section 223(a)(15) and to provide that annual reporting requirements of the results of such monitoring as required by the section can be waived for States in compliance with the requirements of paragraph (12)(A), paragraph (13), and the new paragraph (14), and which have enacted legislation, conforming to those requirements, which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively.

Section 11(a)(15) further amends section 223(a) of the act to make a technical amendment; to add a new paragraph to provide the State plans shall provide that, 5 years following the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults; and, to provide that State plans be modified as soon as practicable after enactment of the 1980 amendments to comply with the requirements of the new paragraph (14).

Section 11(b) amends section 223(c) of the act to make a conforming amendment; to redefine "substantial compliance" with regard to paragraph 223(a)(12)(A) to include either 75 percent deinstitutionalization of juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent or neglected children or the "removal of 100 percent of such juveniles from secure correctional facilities"; and, to add a new sentence at the end defining the term substantial compliance with regard to new paragraph 223(a)(14).

Section 11(c) amends section 223(d) of the act to provide that allotments redistributed under that paragraph shall be for the purposes of removing juveniles from jails and lock-ups for adults, replicating exemplary juvenile programs, or establishing and adopting standards to improve the juvenile justice system, or to increase the use of nonsecure community-based facilities and to provide that the Administrator shall make such reallocated funds available on an equitable basis to States that have achieved full compliance with the requirements under subsection (a)(12)(A) and subsection (a)(13).

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

Section 12(a) amends section 224(a)(5) of the act to provide, as a special emphasis category, statewide programs through the use of subsidies or other financial incentives designed to remove juveniles from jails and lock-ups for adults; replicate juvenile programs designated as exemplary by the National Institute of Justice; or, to establish and adopt standards for the improvement of juvenile justice within the State.

Section 12(b) amends section 224(a)(11) of the act to clarify that special emphasis programs designed to develop and implement programs relating to juvenile delinquency and learning disabilities may include on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles.

Section 12(c) amends section 224 of the act to require that special emphasis assistance be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.

PAYMENTS

Section 13(a) amends section 228 of the act to strike out subsection (b) which gave the Administrator discretion to allow States to use 25 per centum of their formula grant funds to match other Federal juvenile delinquency grants and to redesignate the remaining subsections.

Section 13(b) amends section 228(f) of the act, as redesignated, to provide funds available for reallocation under subpart II shall be reallocated in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13) for purposes specified under section 224(a)(5).

ADMINISTRATIVE PROVISIONS

Section 14 amends section 262 of the act to bring relevant applicable administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968 into conformance subsequent to the Justice System Improvement Amendments of 1979 and to provide that the Office of Justice Assistance, Research, and Statistics shall provide staff support to, and coordinate the activities of the Office in the same manner as it does for the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.

RUNAWAY AND HOMELESS YOUTH

Section 15(a) provides that the heading for title III of the act shall be amended to read: "Title III—Runaway and Homeless Youth Act".

Section 15(b) makes an amendment to the short title of title III.

Section 15(c) amends section 311 of the act: (1) to make a conforming technical amendment; (2) to provide that title III funds be distributed equitably among the States based upon their respective population of youth under 18 years of age; (3) to clarify that services provided by runaway and homeless youth centers under title III are also appropriate for the families of the youth as well as the youth themselves; (4) to clarify that the provision of a national communications system for the purpose of assisting runaway and homeless youth to communicate with their families and with service providers is appropriate under title III; (5) to provide a new authority for the Secretary of Health and Human Services to provide supplemental grants to runaway centers which are developing, in cooperation with juvenile court and welfare personnel, model programs for repeat runners; and (6) to provide a new authority for the provision of on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service and welfare personnel to assist to recognize and provide for learning disabled and other handicapped juveniles.

Section 15(d)(1) amends section 312(a) of the act by clarifying that grantees are to provide for runaway centers rather than runaway houses and to clarify that services provided by title III should be available to other homeless juveniles besides those who have left home without permission of their parents or guardians.

Section 15(d)(2) amends section 312(b) of the act to again clarify that services will be provided through "centers" rather than "houses"

and to clarify that grantees should include in their plans provisions for assuring proper relations with social service and welfare personnel as well as law enforcement personnel.

Section 15(e) amends section 313 of the act to provide that, in considering grant application, priority be given to grants smaller than $150,000 rather than those smaller than $100,000 and to provide that priority be given to organizations which have demonstrated experience in the provision of service to runaway and homeless youth and their families rather than to applicants having program budgets smaller than $150,000.

Section 15(f) amends section 315 of the act to clarify that services will be provided through "centers" rather than "houses."

TECHNICAL AND CONFORMING AMENDMENTS

Section 16(a) amends section 103(5) of the act to conform with amendments proposed by section 6 of these amendments to provide that the term "Administrator" refers to the head of the Office of Juvenile Justice and Delinquency Prevention subsequent to placement of the Office under the general authority of the Attorney General.

Section 16(b)(1) amends section 201(c) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(b)(2) amends section 201(d) to conform with amendments proposed in section 6 of these amendments.

Section 16(b)(3) amends section 201(e) of the act to conform with amendments proposed in section 6 of these amendments to make a technical amendment.

Section 16(b)(4) amends section 201(f) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(c)(1) amends section 202(c) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(c)(2) amends section 202(d) of the act to make a technical amendment.

Section 16(d)(1) amends section 204(d)(1) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(d)(2) amends section 204(g) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(d)(3) amends section 204(i) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(d)(4) amends section 204(k) of the act to change a reference to the Secretary of Health, Education, and Welfare to a reference to the Secretary of Health and Human Services.

Section 16(d)(5) amends section 204(l)(1) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(e) amends section 205 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(f)(1) amends section 206(a)(1) of the act: (1) to make technical amendments subsequent to the creation of the Department of Education; (2) to add the Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration to the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention to conform with amendments proposed in section 6 of these amendments; (3) to con-

form other parts of section 206(a)(1) to amendments proposed in section 6 of these amendments; and (4) to add the Director of the National Institute of Justice to the Coordinating Council.

Section 16(f)(2) amends section 206(b) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(f)(3) amends section 206(c) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(1) amends section 223(a)(1) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(2) amends section 223(a)(2) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(3) amends section 223(a)(3)(A) of the act to make a technical amendment.

Section 16(g)(4) amends section 223(a)(3)(F) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(5) amends section 223(a)(11) to make a technical amendment.

Section 16(g)(6) amends section 223(a)(12)(B) to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(7) amends section 223(a)(14) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(8) amends section 223(a)(17)(A) to make a technical amendment.

Section 16(g)(9) amends section 223(a)(20) of the act: to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended; to make a technical amendment; and, to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(10) amends section 223(a)(21) of the act to conform to amendments proposed in section 6 of these amendments.

Section 16(g)(11) amends section 223(a) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(12) amends section 223(b) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(13) amends section 223(d) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(h) amends section 224(a)(6) of the act to conform to the establishment of the Department of Education.

Section 16(i) amends section 228(f) as so redesignated in section 11(a) of these amendments, to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(j)(1) amends section 241(b) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(j)(2) amends section 241(c) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(k) amends section 244(3) of the act to make a technical amendment.

Section 16(l) amends section 245 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(m) amends section 246 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(n) amends section 248(a) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(o) amends section 249 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(p)(1) amends section 249 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(p)(2) amends section 250(b) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(p)(3) amends section 250(c) of the act to make a technical amendment.

Changes in Existing Law Made by the Bill, As Reported

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

Sec. 101. (a) The Congress hereby finds that—

(1) juveniles account for almost half the arrests for serious crimes in the United States today;

(2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

(3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of the countless, abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;

(4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse *alcohol and other* drugs, particularly nonopiate or polydrug abusers;

(5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

(6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; [and]

(7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency[.] *; and*

(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.

(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

PURPOSE

SEC. 102. (a) It is the purpose of this Act—

(1) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(2) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(6) to assist State and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions; [and]

(7) to establish a Federal assistance program to deal with the problems of runaway youth[.] *; and*

(8) to assist State and local governments in removing juveniles from jails and lockups for adults.

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, *including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes*; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective

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juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

DEFINITIONS

SEC. 103. For purposes of this Act—

(1) the term "community based" facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, *special education*, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this Act;

(3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth to help prevent delinquency;

[(4) the term "Law Enforcement Assistance Administration" means the agency established by section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;]

(4)(A) the term "Office of Justice Assistance, Research, and Statistics" means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

(B) the term "Law Enforcement Assistance Administration" means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

(C) the term "National Institute of Justice" means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

(D) the term "Bureau of Justice Statistics" means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

(5) the term "Administrator" means the agency head designated by [section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended] *section 201(c);*

(6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services, activities of corrections, probation, or parole authorities, and

BEST DOCUMENT AVAILABLE

programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, [and any territory or possession of the United States] *the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands*;

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the Disrtict of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this title;

(9) the term "combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a [law enforcement] *juvenile justice and delinquency prevention* plan;

(10) the term "construction" means acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings);

(11) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

[(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses; and]

(12) the term "secure detention facility" means any public or private residential facility which—

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;

(13) the term "secure correctional facility" means any public or private residential facility which—

(A) includes construciton fixtures designed to physically restrict the movements and activities of juveniles or other individuals held by lawful custody in such facility; and

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

BEST DOCUMENT AVAILABLE

(14) the term "serious crime" means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and

[(13)] *(15)* the term "treatment" includes but is not limited to medical, educational, *special education*, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public [and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his], *including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and* susceptibility to addiction or use.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby created within the Department of Justice, [Law Enforcement Assistance Administration] *under the general authority of the Attorney General*, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office"). The Administrator shall administer the provisions of this Act through the Office.

(b) The programs authorized pursuant to this Act unless otherwise specified in this Act shall be administered by the Office established under this section.

(c) There shall be at the head of the Office an [Associate] Administrator who shall be nominated by the President by and with the advice and consent of the Senate. [The Associate Administrator may be referred to the Administrator of the Office of Juvenile Justice and Delinquency Prevention in connection with the performance of his functions as the head of the Office, except that any reference in this Act to the "Administrator" shall not be construed as a reference to the Associate Administrator.]

(d) The [Associate] Administrator shall exercise all necessary powers, subject to the [direction of the Administrator of the Law Enforcement Assistance Administration] *general authority of the Attorney General*. The [Associate] Administrator is authorized[, subject to the direction of the Administrator,] to *prescribe regulations for*, award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under part B and part C of this title. The Administrator *of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice* may delegate such authority to the [Associate] Administrator *of the Office of Juvenile Justice and Delinquency Prevention* for all grants and contracts from, and applications for, funds made available under this part

BEST DOCUMENT AVAILABLE

and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. [The Associate Administrator shall report directly to the Administrator.]

(e) There shall be in the Office a Deputy [Associate] Administrator who shall be appointed by the [Administrator of the Law Enforcement Assistance Administration.] *Attorney General.* The Deputy Associate Administrator shall perform such functions as the [Associate] Administrator from time to time assigns or delegates, and shall act as [Associate] Administrator during the absence or disability of the [Associate] Administrator or in the event of a vacancy in the [Office] *office* of the [Associate] Administrator.

(f) There shall be established in the Office a Deputy [Associate] Administrator who shall be appointed by the [Administrator] *Attorney General* whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established under section 241 of this Act.

(g) Section 5108(c)(10) of title 5, United States Code first occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

SEC. 202. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the [Associate] Administrator to assist him in carrying out his functions under this Act.

(d) The Administrator may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of [title I] *title 5* of the United States Code.

VOLUNTARY SERVICE

SEC. 203. The Administrator is authorized to accept and employ, in carry out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his

BEST DOCUMENT AVAILABLE

functions, the Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Administrator [, with the assistance of the Associate Administrator,] shall—

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year following the date of the enactment of the Juvenile Justice Amendments of 1977, prior to December 31, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; and

(6) provide technical assistance *and training assistance* to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The President shall, no later than ninety days after receiving each annual report under subsection (b)(5), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report.

BEST DOCUMENT AVAILABLE

(d)(1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to information required by subsection (b)(5), a detailed statement of criteria developed by the [Associate] Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such annual report shall contain, in addition to information required by subsection (b)(5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to the comprehensive plan required by subsection (b)(5), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection ("l"). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.

(f) The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this part.

(g) The Administrator may delegate any of his functions under this title, to any officer or employee of the [Administration] *Office*.

(h) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(i) The Administrator is authorized to transfer funds appropriated under this title to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the [Associate] Administrator finds to be exceptionally effective or for which he finds there exists exceptional need.

(j) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, organization, institution, or individual to carry out the purposes of this title.

(k) All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of [the Department of Health, Education, and Welfare] *Health and Human Services* under title III of this Act.

(l)(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the

BEST DOCUMENT AVAILABLE

[Associate] Administrator under section 204(d)(1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

(2) Each juvenile delinquency development statement submitted to the Administrator under subsection ("l") shall be submitted in accordance with procedures established by the Administrator under section 204(e) and shall contain such information, data, and analyses as the Administrator may require under section 204(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("l"). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

(m) *To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.*

JOINT FUNDING

SEC. 205. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced whenever the [Associate] Administrator finds the program or activity to be exceptionally effective or for which the [Associate] Administrator finds exceptional need. In such cases a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health[, Education, and Welfare,] *and Human Services*, the Secretary of Labor, *the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration*, the Director of the Office of Drug Abuse Policy, [the Commissioner of the Office of Education,]

BEST DOCUMENT AVAILABLE

the Director of the ACTION Agency, [the Secretary of Housand Urban Development,] *the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,* or their respective designees, *the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration,* the [Associate] Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy [Associate] Administrator of the Institute for Juvenile Justice and Delinquency Prevention, *the Director of the National Institute of Justice,* and representatives of such other agencies as the President shall designate.

(2) Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.

(b) The Attorney General shall serve as Chairman of the Council. The [Associate] Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs. The Council shall make recommendations to [the Attorney General and] the President, *and to the Congress,* at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities. The Council is authorized to review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of section 223(a)(12)(A) and (13) of this title. *The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.*

(d) The Council shall meet [a minimum of four times per year] *at least quarterly* and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

(e) The [Associate] Administrator [may] *shall,* with the approval of the Council, appoint such personnel or staff support as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary, *not to exceed $500,000 for each fiscal year.*

[ADVISORY COMMITTEE

[SEC. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter

61-648 O - 80 - 4

BEST DOCUMENT AVAILABLE

referred to as the "Advisory Committee") which shall consist of twenty-one members.

[(b) The members of the Coordinating Council or their respective designees shall be ex officio members of the Committee.

[(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs, including youth workers involved with alternative youth programs and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment, of whom at least three shall have been or shall currently be under the jurisdiction of the juvenile justice system.

[(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. Any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Eleven members of the committee shall constitute a quorum.

[DUTIES OF THE ADVISORY COMMITTEE

[SEC. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

[(b) The Advisory Committee shall make recommendations to the Associate Administrator, the President, and the Congress at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

[(c) The Chairman shall designate a subcommittee of members of the Advisory Committee to advise the Associate Administrator on particular functions or aspects of the work of the Office.

[(d) The Chairman shall designate a subcommittee of not less than five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

[(e) The Chairman shall designate a subcommittee of not less than five members of the Committee to serve as an Advisory Committee

BEST DOCUMENT AVAILABLE

to the Associate Administrator on Standards for Juvenile Justice to perform the functions set forth in section 247 of this title.

[(f) The Chairman, with the approval of the Committee shall request of the Associate Administrator such staff and other support as may be necessary to carry out the duties of the Advisory Committee.

[(g) The Associate Administrator shall provide such staff and other support as may be necessary to perform the duties of the Advisory Committee.

[COMPENSATION AND EXPENSES

[SEC. 209. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

[(b) Members of the Advisory Committee not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.]

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the "Advisory Committee") which shall consist of 15 members appointed by the President.

(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

BEST DOCUMENT AVAILABLE

(b)(1) *Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.*

(2) *Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.*

(c) *The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.*

(d) *The Advisory Committee shall—*

(1) *review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;*

(2) *advise the Administrator with respect to particular functions or aspects of the work of the Office;*

(3) *advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and*

(4) *make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.*

(e) *Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.*

(f) *The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.*

(g)(1) *Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade*

BEST DOCUMENT AVAILABLE

GS–18 of the General Schedule in section 5332 of title 5, United States Code, including travel time.

(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.

Part B—Federal Assistance for State and Local Programs

Subpart I—Formula Grants

Sec. 221. The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

ALLOCATION

Sec. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than $225,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than $56,250.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated [in a manner equitable and consistent with the purpose of this part] *in an equitable manner to the States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by such States in a manner consistent with the purposes of section 223(a)(10)(H)*. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring and evaluation. Not more than 7½ per centum of the total annual allotment of such State shall be available for such purposes, except that

BEST DOCUMENT AVAILABLE

any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of general local government or combinations thereof within the State on an equitable basis.

(d) In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allotment to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this Act.

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes [consistent with the provisions of section 303(a), (1), (3), (5), (6), (8), (10), (11), (12), (15), and (17) of title I of the Omnibus Crime Control and Safe Streets Act of 1968. In accordance with regulations established under this title, such plan must] *applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—*

(1) designate the State [planning agency] *criminal justice council* established by the State under section [203 of such title I] *402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968* as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the "State [planning agency] *criminal justice council*") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F), and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and (A) which shall consist of not less than [twenty-one] *15* and not more than [thirty-three] *33* persons who have training, experience, or special knowledge concerning the prevention and treatment of [a] juvenile delinquency or the administration of juvenile justice, (B) which shall include *locally elected officials*, representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, *special education*, or youth services departments, (C)

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which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, (E) at least [one-third] *one-fifth* of whose members shall be under the age of [twenty-six] *24* at the time of appointment, *and* at least [three of whom] *3 of whose members* shall have been or shall currently be under the jurisdiction of the juvenile justice system; and (F) which (i) shall, consistent with this title, advise the State [planning agency] *criminal justice council* and its supervisory board; [(ii) may advise the Governor and the legislature on matters related to its functions, as requested;] (*ii*) *shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13)*; (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State [planning agency other than those subject to review by the State's judicial planning committee established pursuant to section 203 (c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended] *criminal justice council*, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group; [and] (iv) may be given a role in monitoring State compliance with the requirements of paragraph (12)(A) and paragraph (13), in advising on State [planning agency and regional planning unit supervisory] *criminal justice council and local criminal justice advisory* board composition, in advising on the State's maintenance of effort under [section 261(b) and section 502(b)] *section 1002* of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan; *and* (*v*) *shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system*;

(4) provide for the active consultation with and participation of units of general local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of local governments, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

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(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 222, other than funds made available to the State advisory group under section 222(e), shall be expended through—

(A) programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan: and

(B) programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;

(6) provide that the chief executive officer of the unit of general local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 222 within the State;

[(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. This plan shall include itemized estimated costs for the development and implementation of such programs. Programs and projects developed from the study may be funded under paragraph (10) provided that they meet the criteria for advanced technique programs as specified therein;]

(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

BEST DOCUMENT AVAILABLE

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;

(10) provide that not less than 75 per centum of the funds available to such State under section 222, other than funds made available to the State advisory group under section 222(e), whether expended directly by the State, by the unit of general local government or combination thereof, or through grants and contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to [juvenile detention and correctional facilities] *confinement in secure detention facilities and secure correctional facilities*, to encourage a diversity of alternatives within the juvenile justice system, [and] to establish and adopt juvenile justice standards, *and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation.* These advanced techniques include—

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, twenty-four hour intake screening, volunteer and crisis home programs, *education, special education,* day treatment, and home probation, and any other designated community-based diagnostic, treatment, or rehabilitative service;

(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;

(C) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and other youths to help prevent delinquency;

(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;

(E) educational programs or supportive services designed to [keep delinquents and to] encourage *delinquent youth and* other youth to remain in elementary and secondary schools or in alternative learning situations;

(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

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(G) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs;

[(H) provide for a statewide program through the use of probation subsidies, other subsidies, other financial incentives or disincentives to units of local government, or other effective means, are designed to—

[(i) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;

[(ii) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and

[(iii) discourage the use of secure incarceration and detention;]

(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

(i) remove juveniles from jails and lockups for adults;

(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;

[(I) programs and activities to establish and adopt, based on the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;]

(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and

(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;

(11) [provides] *provide* for the development of an adequate research, training, and evaluation capacity within the State;

(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent or neglected children, shall not be placed in [juvenile detention or correctional facilities] *secure detention facilities or secure correctional facilities;* and

(B) provide that the State shall submit annual reports to the [Associate] Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles

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described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);

(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lock-up for adults;

[(14)] *(15)* provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (12)(A) [and], paragraph (13), *and paragraph (14)* are met, and for annual reporting of the results of such monitoring to the [Associate] Administrator, *except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;*

[(15)] *(16)* provide assurance that assistance will be available on an equitable basis to deal with disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;

[(16)] *(17)* provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

[(17)] *(18)* provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation [or] *of* rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) the continuation of collective-bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any

BEST DOCUMENT AVAILABLE

program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

[(18)] *(19)* provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

[(19)] *(20)* provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

[(20)] *(21)* provide that the State [planning agency] *criminal justice council* will from time to time, but not less often [then] *than* annually, review its plan and submit to the [Associate] Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

[(21)] *(22)* contain such other terms and conditions as the [Associate] Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Such plan may at the discretion of the Administrator be incorporated into the plan specified in [303(a)] *section 403* of the Omnibus Crime Control and Safe Streets Act. *Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).*

(b) The State [planning agency] *criminal justice council* designated pursuant to section 223(a), after receiving and considering the advice and recommendations of the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section. Failure to achieve compliance with the subsection (a)(12)(A) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator[, with the concurrence of the Associate Administrator,] determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles *or through removal of 100 percent of such juveniles from secure correctional facilities*, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years. *Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance*

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with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections [509, 510, and 511] *803, 804, and 805* of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 222(a) available to public and private agencies for [special emphasis prevention and treatment] programs as defined in *subsection* [224] *(a)(10)(II)*. The Administrator shall [endeavor to] make such reallocated funds available on [a preferential] *an equitable* basis [to programs in nonparticipating States under section 224(a)(2) and] to those States that have achieved [substantial or] full compliance with the [subsection (a)(12)(A) requirement within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c)] *requirements under subsection (a)(12)(A) and subsection (a)(13)*.

Subpart II—Special Emphasis Prevention and Treatment Programs

SEC. 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and other youth to help prevent delinquency;

[(5) facilitate the adoption of the recommendations of the Advisory Committee and the Institute as set forth pursuant to section 247;]

(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

(A) remove juveniles from jails and lock-ups for adults;

(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;

BEST DOCUMENT AVAILABLE

(6) develop and implement, in coordination with the [Commissioner] *Secretary* of Education, model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

(8) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

(9) improve the juvenile justice system to conform to standards of due process;

(10) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes; and

(11) develop and implement programs relating to juvenile delinquency and learning disabilities, *including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles.*

(b) Twenty-five per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

(c) At least 30 per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 225. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 224, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each such application shall—

(1) provide that the program for which assistance is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 224;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

BEST DOCUMENT AVAILABLE

(5) indicate that the applicant has requested the review of the application from the State planning agency and local agency designated in section 223, when appropriate, and indicate the response of such agency to the request for review and comment on the application;

(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency, when appropriate;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title; and

(8) indicate the response of the State agency or the local agency to the request for review and comment on the application.

(c) In determining whether or not to approve applications for grants under section 224, the Administrator shall consider—

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to delinquents and other youth to help prevent delinquency;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency;

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee as set forth pursuant to section 247; and

(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have no city with a population over two hundred and fifty thousand.

(d) No city should be denied an application solely on the basis of its population.

GENERAL PROVISIONS

Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Administrator shall initiate such proceedings as are appropriate.

BEST DOCUMENT AVAILABLE

USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any public or private agency, organization, institution, or individual (whether directly or through a State planning agency) may be used for—

(1) planning, developing, or operating the program designed to carry out the purposes of this part; and

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this part (whether directly or through a State agency or local agency) may be used for construction.

PAYMENTS

SEC. 228. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

[(b) At the discretion of the Administrator, when there is no other way to fund an essential juvenile delinquency program not funded by the Law Enforcement Assistance Administration, the State may utilize 25 per centum of the formula grant funds available to it under this part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.]

[(c)] (*b*) Whenever the Administrator determines that it will contribute to the purposes of part A or part C he may require the recipient of any grant or contract to contribute money, facilities, or services.

[(d)] (*c*) Payments under this part, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Administrator may determine.

[(e)] (*d*) Except as provided in the second sentence of section 222 (c), financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity.

[(f)] (*e*) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

[(g)] (*f*) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under *subpart II of* this part for that fiscal year will not be required by the applicant or will become avail-

BEST DOCUMENT AVAILABLE

able by virtue of the application of the provisions of section [509] *830* of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, that portion shall be available for reallocation *in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5)* [under section 224] of this title.

CONFIDENTIALITY OF PROGRAM RECORDS

SEC. 229. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients.

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the [Associate] Administrator, and shall be headed by a Deputy [Associate] Administrator of the Office appointed under section 201(f).

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of [Law Enforcement and Criminal] Justice in accordance with the requirements of section 201(b).

(d) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers, and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel and other persons, including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations, connected with the treatment and control of juvenile offenders.

(e) In addition to the other powers, express and implied, the Institute may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

61-648 O - 80 - 2

BEST DOCUMENT AVAILABLE

(4) make grants and enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any functions of the Institute;

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently; and

(6) assist, through training, the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this Act.

(f) Any Federal agency which receives a request from the Institute under subsection (e)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

INFORMATION FUNCTION

SEC. 242. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

(3) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

BEST DOCUMENT AVAILABLE

(4) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Associate Administrator;

(5) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment, such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices;

(6) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency; and

(7) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency.

TRAINING FUNCTIONS

SEC. 244. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;

(2) develop, conduct, and provide for seminars, workshop, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

(3) devise and conduct a training program, in accordance with the provisions of sections [249, 250, and 251,] *248, 249, 250,* of short-term instruction in the lastest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency; and

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders.

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INSTITUTE ADVISORY COMMITTEE

SEC. 245. The Advisory Committee shall advise, consult with, and make recommendations to the [Associate] Administrator concerning the overall policy and operations of the Institute.

ANNUAL REPORT

SEC. 246. The Deputy [Associate] Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the [Associate] Administrator after the first year the legislation is enacted, prior to September 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The [Associate] Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5).

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 247. (a) The National Institute for Juvenile Justice and Delinquency Prevention, under the supervision of the Advisory Committee, shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

(b) Not later than one year after the passage of this section, the Advisory Committee shall submit to the President and the Congress a report which, based on recommended standards for the administration of juvenile justice at the Federal, State, and local level—

(1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and

(2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this section.

(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts toward refinement of the recommended standards and may assist State and local governments and private agencies and organizations in the adoption of appropriate standards at State and local levels. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to develop and support model State legislation consistent with the mandates of this Act and the standards developed by Advisory Committee.

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 248. (a) The [Associate] Administrator shall establish within the Institute a training program designed to train enrollees with re-

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spect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the [Associate] Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

SEC. 249. The [Associate] Administrator shall design and supervise a curriculum for the training program established by section 248 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program.

ENROLLMENT FOR TRAINING PROGRAM

SEC. 250. (a) Any person seeking to enroll in the training program established under section 248 shall transmit an application to the [Associate] Administrator, in such form and according to such procedures as the [Associate] Administrator may prescribe.

(b) The [Associate] Administrator shall make the final determination with respect to the admittance of any person to the training program. The [Associate] Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 248(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703[(b)] of title 5, United States Code.

PART D—ADMINISTRATIVE PROVISIONS

SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated [$150,000,000 for the fiscal year ending September 30, 1978, $175,000,000 for the fiscal year ending September 30, 1979, and] $200,000,000 [for the fiscal year ending September 30, 1980.] *for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984.* Funds appropriated for any fiscal year may remain available for obligation until expended.

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law

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Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.

APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

[SEC. 262. The administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.]

SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.

EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by subsections (b) and (c), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

(b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(l) shall become effective at the close of the thirtieth day of the eleventh calendar month of 1976.

(c) Except as otherwise provided by the Juvenile Justice Amendments of 1977, the amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977.

TITLE III—RUNAWAY *AND HOMELESS* YOUTH

SHORT TITLE

SEC. 301. This title may be cited as the "Runaway *and Homeless* Youth Act".

FINDINGS

SEC. 302. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming pro-

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portions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

RULES

SEC. 303. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title.

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 311. (*a*) The Secretary is authorized to make grants and to provide technical assistance and short-term training to States, localities and nonprofit private agencies and coordinated networks of such agencies in accordance with the provisions of this part. Grants under this part shall be made *equitably among the States based upon their respective populations of youth under 18 years of age* for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth or otherwise homeless youth, *and their families*, in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of such youth in the community and the existing availability of services. *Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers.* Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with such youth.

(*b*) *The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.*

(*c*) *The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.*

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ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway [house] *center*, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians *or to other homeless juveniles*.

(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each [house] *center*—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient portion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway [house] *center*, and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, *social service personnel, and welfare personnel*, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway [house] *center* is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway [house] *center* is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without the consent of the individual youth and parent or legal guardian to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

(7) shall submit annual reports to the Secretary detailing how the [house] *center* has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such [house] *center* under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

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APPROVAL BY SECRETARY

SEC. 313. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than [$100,000] *$150,000*. In considering grant applications under this part, priority shall be given to [any applicant whose program budget is smaller than $150,000] *organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.*

GRANTS TO PRIVATE AGENCIES, STAFFING

SEC. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

REPORTS

SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway [houses] *centers* which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

(4) their effectiveness in helping youth decide upon a future course of action.

FEDERAL SHARE

SEC. 316 (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

PART B—RECORDS

RECORDS

SEC. 321. Records containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

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PART C—REORGANIZATION

REORGANIZATION PLAN

SEC. 331. (a) After April 30, 1978, the President may submit to the Congress a reorganization plan which, subject to the provisions of subsection (b) of this section, shall take effect, if such reorganization plan is not disapproved by a resolution of either House of the Congress, in accordance with the provisions of, and the procedures established by chapter 9 of title 5, United States Code, except to the extent provided in this part.

(b) A reorganization plan submitted in accordance with the provisions of subsection (a) shall provide—

(1) for the establishment of an Office of Youth Assistance which shall be the principal agency for purposes of carrying out this title and which shall be established—

(A) within the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice; or

(B) within the ACTION Agency;

(2) that the transfer authorized by paragraph (1) shall be effective 30 days after the last date on which such transfer could be disapproved under chapter 9 of title 5, United States Code;

(3) that property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Office of Youth Development within the Department of Health, Education, and Welfare in the operation of functions pursuant to this title, shall be transferred to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, and that all grants, applications for grants, contracts, and other agreements awarded or entered into by the Office of Youth Development shall continue in effect until modified, superseded, or revoked;

(4) that all official actions taken by the Secretary of Health, Education, and Welfare, his designee, or any other person under the authority of this title which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of this title, shall continue in full force and effect until modified, superseded, or revoked by the Associate Administrator for the Office of Juvenile Justice and Delinquency Prevention or by the Director of the ACTION Agency, as the case may be, as appropriate; and

(5) that references to the Office of Youth Development within the Department of Health, Education, and Welfare in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, as appropriate.

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 341. (a) To carry out the purposes of part A of this title there is authorized to be appropriated for each of the fiscal years ending

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[June 30, 1975, and 1976, and September 30, 1977, the sum of $10,000,000, and for each of the fiscal years ending September 30, 1978, 1979, and 1980] *September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984*, the sum of $25,000,000.

(b) The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

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SUPPLEMENTAL VIEWS

The goal of the Juvenile Justice and Delinquency Prevention Act, has been, among other purposes, to encourage participating states and the juvenile justice system within those states to remove status and nonoffenders from secure detention and correctional facilities. We share this important goal, but do not believe the mandate should be so inflexible as to preclude the courts from making rational dispositions. The current Act requires states who wish to continue to participate in JJDP programs to remove all status and nonoffenders from secure detention and correctional facilities within five years after the acceptance of their initial state plan. This mandate excessively limits the courts' ability to respond to status offenders who chronically and habitually refuse to accept voluntary treatment recommended by the court.

During Full Committee consideration, a provision of the bill was removed which provides juvenile courts with the flexibility needed to respond to the problems of juveniles who chronically refuse voluntary treatment. This provision, which the Subcommittee had adopted, amended section 223(a)(12)(A) to enable juvenile courts to place status and nonoffenders in secure detention and correctional facilities only if they were found "in violation of a valid court order."

We believe the amendment prudently deals with the real world problem of chronic and habitual status offenders. The experience of any juvenile court will show that chronic or habitual status offenders regularly come before these courts and are regularly released to repeat the very same offense; and the current provision of the Juvenile Justice Amendments leave juvenile justices with virtually no option to prevent this situation. The current Act implies that juveniles who are status offenders by definition are better able to make decisions regarding their own best interest than the court. We believe it is dangerous and poor policy to remove such juveniles from the authority of the juvenile court not only because it results in less effective treatment for such youth but allows such youth to continually flout the legal system. As Judge John R. Milligan of Ohio queried of the Human Resources Subcommittee with respect to this absurdity:

"Does Congress intend that every child have the ultimate right, at any age, to decide for himself whether he will (1) continue to run away from home; (2) go to school; (3) consume alcohol; or (4) violate legitimate court orders?"

The irony is that in order to restrain chronic status offenders, prosecutors have begun to push for more serious charges in order to bring the juveniles within the courts authority.

The Subcommittee on Human Resources agreed with Judge Milligan that the court needed discretion to deal with chronic status offenders and adopted this amendment which allows the court such discretion *only* if such youth violate a valid court order.

We believe the provision contains numerous safeguards:

(1) In order to be in violation of a valid court order, a juvenile must first have been brought into court and be made subject to a court order. Thus, no first time status offenders could be incarcerated under the provision. The juvenile in question would have

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received adequate and fair warning of the consequences of violation of the order at the time it was issued.

(2) The use of "valid" permits the incarceration of juveniles only if they have received their full due process rights. These rights have been specifically enumerated by the Supreme Court in *in re Gault* as follows:

(i) the right to have the charges against the juvenile in writing, severed upon him a reasonable time before the hearing;

(ii) the right to a hearing before a court;

(iii) the right to an explanation of the nature and consequences of the proceedings;

(iv) the right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(v) the right to confront witnesses;

(vi) the right to present witnesses;

(vii) the right to have a transcript or record of the proceedings; and

(viii) the right of appeal to an appropriate court.

(3) The purpose of the Juvenile Justice and Delinquency Prevention Act is to discourage the placement of juveniles in secure facilities unless there is no rational alternative to incarceration. We believe the intent of the Act is to provide sufficient resources and incentives to insure that rational alternatives are available and that there would be few if any instances where juvenile status offenders or nonoffenders would be incarcerated.

But from the start the amendment has been misrepresented. The Office of Juvenile Justice and Delinquency Prevention, for example, described the effect of this amendment as negating "six years of progress in assuring that status offenders and nonoffenders are not treated like criminal offenders by the justice system." Others have gone so far as to infer that this provision would result in dictatorial judges throwing young people into prison cells for no just cause.

Apparently opponents of the amendment do not believe that there are juveniles who habitually ignore or refuse to accept voluntary treatment recommended by the courts. Nor do they believe that judges have the capability to make well-balanced and thoughtful decisions regarding such youth. They would rather leave the court with no option to deal with chronic status offenders rather than provide them with discretion in certain cases.

We disagree. This provision responds fairly to the problem of incorrigible juveniles remaining beyond the authority of the judicial system until they commit a more serious offense. Current law is an obstacle to appropriate treatment of such juveniles. We believe that this amendment must be reoffered on the House Floor and accepted if the Juvenile Justice and Delinquency Prevention Act is to truly carry out its mandate.

JUVENILE JUSTICE AMENDMENTS

J. M. ASHBROOK.
TOM COLEMAN.
DAN CRANE.
JOHN N. ERLENBORN.
KEN KRAMER.
THOMAS J. TAUKE.
JON HINSON.

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INDIVIDUAL MINORITY VIEWS BY HON. KEN KRAMER

During Full Committee consideration of the Juvenile Justice and Delinquency Prevention Act I offered a series of amendments to the youth advocacy initiatives section of the bill which would have prohibited the direct or indirect use of federal funds to lobby Congress, State or local legislative bodies, regulatory agencies, or to subsidize court suits on behalf of youth.

These amendments were offered in the belief that it is improper to use federal funds to subsidize communication designed to bring about system change advocated by some groups with tax funds collected from all our citizens.

I believe we must question whether or not we will continue to allow federal funds to be used in this manner to support one group's position over and above that of another, especially where the group's objective using these federal dollars is to bring about legislative change so that the philosophy of a few can be used as a tool of social change to disrupt the established laws and social justice systems established by the majority.

I do not believe this was the will, or wish of the 95th Congress when it enacted the youth advocacy programs. Yet, inaction on the part of the 96th Congress may well lead to such a result if H.R. 6704 is not amended to prohibit the use of youth advocacy grant funds for lobbying.

The 95th Congress authorized youth advocacy initiatives as "projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system." Yet, the $12.1 million in youth advocacy grant dollars the Office of Juvenile Justice is presently in the process of awarding to 20 out of 184 hopeful youth advocacy applicants will be going to grantees who have complied with the youth advocacy guidelines promulgated by the agency. On page 1, these 1979 October Guidelines say grant program objectives shall be "specific system reforms at the state and local levels leading to a greater availability and better quality of services to youth by juvenile justice, education and social service agencies and institutions." On page two of the guidelines the guidelines state that the targets of these program objectives shall be the "statutes, regulations, policies and practices of the juvenile justice system, education system and social service system, which are insensitive or detrimental to the needs and best interests of youth."

As the Office of Juvenile Justice is accepting national as well as state and local grant applications, one can only conclude that if national grants are awarded, they must meet these guideline criteria of system reform. This inference seems substantiated by the only section in the guidelines which refers to national youth advocacy. Under a section entitled "Recent Examples of Youth Advocacy", the national youth advocacy section states, in pertinent part:

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"National groups engage in educational efforts directed at the formation of federal, legislative and administrative policy and programs. They share their views with individual members of Congress and their staff members, Congressional Committees, and Executive Branch officials and staff members. To build grass roots support, they communicate their views to their constituencies through newsletters, publications, conferences and the mass media.

Most of these groups are concerned with reform of the systems that serve young people: education, juvenile justice, employment and welfare, health and shelter. Their research publications document the inadequacies of these systems presently and point to options and alternatives for improvement. Their hope is that the general public, legislators, and administrators will be influenced to call for fundamental change in youth serving systems." (October 1979 Youth Advocacy Guidelines at page 14–15)

Since 18 U.S.C. Sec. 1913 prohibits the use of federally appropriated funds to lobby Congress, one can only wonder how compliance with this statute can be met where national youth advocacy grantees are concerned. As the stated targets of youth advocacy grants are the "statutes, regulations, policies and practices of the juvenile justice system, educational system, and the social service system," if the objectives of national youth advocacy grants are to bring about system change at the national level of government, then clearly the objectives of such grants conflict with a federally prohibited activity.

The use of federal funds to lobby is prohibited by 18 U.S.C. Sec. 1913 whether direct, or indirect, whether a personal service, advertisement, telegram, telephone, letter, printed or written matter, or any other device intended or designed to influence in any manner a Member of Congress. Moreover, this statute has been interpreted to prohibit the use of federal funds by an agency which funds a grant or contract when the grantee or contractee uses the funds for propaganda or lobbying activities that imply government sponsorship or endorsement. In these cases the agency has an affirmative responsibility to prevent the use of such funds in this manner in the future. (See letter opinion of the Comptroller General of the U.S. B–128939, July 12, 1976.)

Since it is clear from 18 U.S.C. Sec. 1913 that youth advocacy grantees may not lobby Congress with their grant funds, then the question becomes whether or not the use of youth advocacy grant funds to lobby state legislatures or local legislative bodies or regulatory agencies is appropriate. They, unlike Congress, are not protected by law or statute from the use of federal funds in this manner.

I believe the answer is clear. Since State and local elected officials operate under the same pressures as Members of Congress, they should not be any more subject to the influence of federal funds being used to bring about change through confrontation politics than Members of Congress.

We should not allow tax dollars to be used to lobby for change at the state and local levels of government. Such policy has been determined by state and local elected officials who reflect the wills of their constituencies. Using federal dollars as a tool of change in this manner is using it as a tool against the taxpayers who contributed those dollars. If reform of the juvenile justice system comes, it should

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evolve as a result of the ebb and tug of day to day business within our legislatures. Youth advocacy programs should educate, and inform, and suggest, nothing more. Therefore, as a matter of policy, the prohibitions of 18 U.S.C. Sec. 1913 prohibiting the use of federal funds to lobby Congress should apply to State and local legislative bodies, and regulatory agencies as well. The rationale which precludes the use of funds to lobby Congress should apply with equal force to these bodies.

Finally, the focus of youth advocacy programs should be on the improvement of services. Radical system change brought about in the courts through the use of federal tax dollars can be just as damaging as the use of such funds for lobbying. If litigation is required, then the proper proponent of this litigation is the Department of Justice, not nongovernmental grantee vigilantees. This is an improper use of federal grant dollars, and should be specifically disallowed in the statute.

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HOUSE RESOLUTION 732 PROVIDING FOR CONSIDERATION OF H.R. 6704, A BILL TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974,

NOVEMBER 14, 1980

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PROVIDING FOR CONSIDERATION OF H.R. 6704, JUVENILE JUSTICE AMENDMENTS OF 1980

Mr. MURPHY of Illinois. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 732 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 732

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6704) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and each section of said substitute shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 5, rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. After the passage of H.R. 6704, the House shall proceed, section 401(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to the consideration of the bill (S. 2441), and it shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 6704 as passed by the House.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. MURPHY) is recognized for 1 hour.

Mr. MURPHY of Illinois. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 732 provides for the consideration of the bill H.R. 6704, the Juvenile Justice Amendments of 1980, to provide a 4-year extension for the programs under the Juvenile Justice and Delinquency Prevention Act of 1974 and to broaden the scope of such programs.

This is an open rule, Mr. Speaker, providing for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule provides that it shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill as an original bill for the purposes of amendment under the 5-minute rule. The resolution provides for one motion to recommit.

In addition, the rule waives points of order against the committee substitute for failure to comply with the provisions of clause 5, rule XXI, which prohibits an appropriation in a legislative bill. Although there are no actual appropriations in the legislation, certain provisions of the bill could technically be construed as new appropriations; thus, the waiver was necessary.

Mr. Speaker, the rule further provides that upon adoption of H.R. 6704, the House shall proceed to the consideration of S. 2441, the Senate passed version of the legislation and insert the House-passed language. The rule waives section 401(a) of the Budget Act against consideration of the Senate bill. Section 401 (a) of the Budget Act provides that it shall not be in order to consider any bill which provides new contract or new borrowing authority unless that bill also provides that such new spending authority is to be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation acts. Section 304(b) of the Senate bill could be construed as providing new contract authority, and since it fails to limit the availability of such authority, the bill would be subject to a point of order under section 401(a) of the Budget Act. H.R. 6704 completely cures the Budget Act violation in the Senate bill and the Budget Committee has indicated that it has no objection to this technical waiver.

H.R. 6704 furthers congressional efforts to formulate a comprehensive approach to juvenile justice. I urge my colleagues to adopt House Resolution 732, so that the House may proceed to the consideration of this important legislation.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may consume.

(Mr. TAYLOR asked and was given permission to revise and extend his remarks.)

Mr. TAYLOR. Mr. Speaker, House Resolution 732 is the rulemaking in order the consideration of H.R. 6704, the Juvenile Justice Amendments of 1980 that extend the authorization of appropriations for the Juvenile Justice and Delinquency Prevention Act of 1974.

This is an open rule, as the gentleman from Illinois (Mr. MURPHY) has described, providing for 1 hour of general debate. The amendment recommended by the Committee on Education and Labor in the nature of a substitute is made in order by the rule as an original bill for the purposes of amendment under the 5-minute rule.

A waiver is provided against a point of order that the bill does not comply with clause 5 of rule XXI, which prohibits appropriations in a legislative bill. This waiver is necessary because the bill prescribes new purposes for which funds already appropriated are to be used.

In addition, one motion to recommit with or without instructions is provided for.

After passage of H.R. 6704, the rule makes in order the consideration of S. 2441 and waives section 401(a) of the Budget Act against consideration of the Senate bill. This waiver is made necessary because the Senate bill provides contract authority which has not been provided for in advance by an appropriation act.

It shall then be in order, under the rule, to move to strike out the provisions of the Senate bill and insert in lieu thereof the provisions contained in H.R. 6704 as passed by the House.

Mr. Speaker, H.R. 6704 provides a 4-year reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, under which the Federal Government has carried out a formula grant-in-aid program to assist States and local governments to improve efforts in preventing and controlling juvenile delinquency.

The bill authorizes $200 million for each of the fiscal years 1981 through 1984 for juvenile justice programs, and $25 million each year for the same period for youth programs.

As reported by the Committee on Education and Labor, the bill expanded the original act to include assisting State and local governments in removing juveniles from jails and lockups for adults; and requires that beginning 5 years after the date of enactment State plans provide that no juveniles be detained or confined in any jail or lockup for adults.

I am informed that the managers of the bill have agreed to accept an amendment that will be offered by the gentleman from Missouri (Mr. COLEMAN) to modify the reported bill.

The Coleman amendment would extend the requirement for removal of juveniles from adult jails from 5 to 7

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years; require that regulations to carry out the new provision take into account the special problems of rural areas to permit the temporary detention of juveniles accused of serious crimes against persons; and requiring a study by the executive branch within 18 months on the costs that will face the States and local governments when juveniles will be required to be removed from adult jails, as well as the possible adverse effect of the new requirement on State and local governments.

Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. MURPHY of Illinois. Mr. Speaker, I have no requests for time and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

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HOUSE DEBATE AND PASSAGE OF H.R. 6704, A BILL TO AMEND THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974, NOVEMBER 19, 1980

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Congressional Record

PROCEEDINGS AND DEBATES OF THE 96th CONGRESS, SECOND SESSION

Vol. 126 WASHINGTON, WEDNESDAY, NOVEMBER 19, 1980 No. 162

House of Representatives

Juvenile Justice and Delinquency Prevention Authorization: House passed H.R. 6704, to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act.

By a yea-and-nay vote of 326 yeas to 6 nays with 1 voting "present", Roll No. 642, the House resolved itself into the Committee of the Whole.

Agreed To:

The committee amendment in the nature of a substitute;

Technical and clarifying amendments;

An amendment that prohibits use of funds for lobbying purposes at federal, state and local levels;

An amendment that directs the Administrator to report to Congress costs incurred by States to remove juveniles from confinement in adult facilities; and permits placement of juveniles accused of serious crimes in adult facilities, subject to sight and sound separation, where no acceptable alternative exists;

An amendment that allocates specific funds for prevention and treatment programs relating to juveniles who commit serious crimes;

An amendment that designates 5 per cent of funds for grants and contracts to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands;

An amendment that clarifies existing law relating to funding policies of the Juvenile Justice and Delinquency Prevention Act; and

An amendment that permits juvenile courts to place status offenders and nonoffenders in secure detention and correctional facilities when a juvenile is found to be in violation of a valid court order (agreed to by a recorded vote of 239 ayes to 123 noes, Roll No. 643).

Subsequently, this passage was vacated and S. 2441, a similar Senate-passed bill, was passed in lieu after being amended to contain the language of the House bill as passed. Agreed to amend the title of the Senate bill.

House then insisted on its amendments to S. 2441, and asked a conference. Appointed as conferees: Representatives Perkins, Andrews of North Carolina, Corrada, Kildee, Stack, Williams of Montana, Ashbrook, Coleman, and Goodling.

The Clerk was authorized to correct punctuation, sections numbers, cross references, and to make technical and conforming changes in the engrossment of the House amendments to S. 2441. Pages H10919–H10943

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House of Representatives

WEDNESDAY, NOVEMBER 19, 1980

JUVENILE JUSTICE AMENDMENTS OF 1980

Mr. ANDREWS of North Carolina. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6704) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. FOLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 326, nays 6, answered "present" 1, not voting 99, as follows:

[Roll No. 642]

YEAS—326

Abdnor	D'Amours	Green
Addabbo	Daniel, R. W.	Grisham
Akaka	Danielson	Guarini
Albosta	Dannemeyer	Gudger
Alexander	Daschle	Guyer
Anderson, Calif.	Davis, Mich.	Hagedorn
Andrews, N.C.	de la Garza	Hall, Tex.
Andrews, N.Dak.	Dellums	Hamilton
Annunzio	Derrick	Hammer-schmidt
Anthony	Derwinski	Hance
Archer	Devine	Hanley
Ashbrook	Dicks	Hansen
Aspin	Dingell	Harkin
Atkinson	Dixon	Hawkins
AuCoin	Dorman	Hefner
Badham	Downey	Hightower
Bafalis	Drinan	Hillis
Bailey	Duncan, Oreg.	Hinson
Barnard	Duncan, Tenn.	Holland
Barnes	Early	Hollenbeck
Bedell	Edgar	Holt
Bellenson	Edwards, Ala.	Hopkins
Benjamin	Edwards, Calif.	Horton
Bennett	Edwards, Okla.	Howard
Bereuter	Emery	Hubbard
Biaggi	English	Huckaby
Bingham	Erdahl	Hughes
Blanchard	Erlenborn	Hutchinson
Boland	Ertel	Hutto
Boner	Evans, Del.	Hyde
Bonior	Evans, Ga.	Ireland
Bonker	Evans, Ind.	Jacobs
Bouquard	Fascell	Jeffords
Bowen	Fazio	Jeffries
Brademas	Fenwick	Jenkins
Breaux	Ferraro	Johnson, Calif.
Brinkley	Findley	Jones, N.C.
Brodhead	Fish	Jones, Okla.
Broomfield	Fisher	Jones, Tenn.
Broyhill	Fithian	Kastenmeier
Buchanan	Flippo	Kazen
Burton, Phillip	Foley	Kildee
Butler	Forsythe	Kogovsek
Campbell	Fountain	Kostmayer
Carney	Fowler	Kramer
Carr	Frenzel	Lagomarsino
Carter	Frost	Latta
Cavanaugh	Fuqua	Leach, Iowa
Clausen	Gaydos	Leach, La.
Cleveland	Gephardt	Leath, Tex.
Clinger	Giaimo	Lee
Coelho	Gibbons	Lehman
Coleman	Gilman	Leland
Collins, Tex.	Gingrich	Lent
Conable	Glickman	Levitas
Conte	Goldwater	Lewis
Conyers	Gonzalez	Livingston
Corcoran	Goodling	Loeffler
Coughlin	Gore	Long, La.
Courter	Gradison	Long, Md.
Crockett	Gramm	Lott
	Grassley	Lowry
	Gray	

□ This symbol represents the time of day during the House Proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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Lujan	Paul	Staggers
Luken	Pease	Stangeland
Lundine	Pepper	Stanton
McClory	Perkins	Steed
McDade	Petri	Stenholm
McEwen	Peyser	Stewart
McHugh	Pickle	Stockman
McKay	Porter	Stokes
McKinney	Preyer	Stratton
Madigan	Price	Studds
Maguire	Quayle	Stump
Markey	Quillen	Swift
Marks	Rahall	Symms
Marlenee	Railsback	Synar
Marriott	Ratchford	Tauke
Martin	Regula	Tauzin
Mathis	Reuss	Thomas
Matsui	Rhodes	Traxler
Mattox	Rinaldo	Trible
Mazzoli	Ritter	Udall
Mica	Robinson	Van Deerlin
Michel	Rose	Vander Jagt
Mikulski	Rostenkowski	Vanik
Miller, Calif.	Roth	Vento
Miller, Ohio	Rousselot	Volkmer
Mineta	Roybal	Walgren
Minish	Royer	Walker
Moakley	Rudd	Watkins
Mollohan	Russo	Weaver
Montgomery	Sawyer	Weiss
Moore	Scheuer	White
Moorhead, Calif.	Schroeder	Whitley
	Schulze	Whittaker
Moorhead, Pa.	Sebelius	Whitten
Mottl	Seiberling	Wilson, Tex.
Murphy, Ill.	Sensenbrenner	Winn
Murphy, Pa.	Shannon	Wirth
Musto	Sharp	Wolpe
Myers, Ind.	Shuster	Wright
Natcher	Simon	Wyatt
Nelson	Smith, Iowa	Wylie
Nichols	Smith, Nebr.	Yates
Oakar	Snowe	Yatron
Oberstar	Snyder	Young, Fla.
Obey	Solarz	Young, Mo.
Panetta	Spence	Zablocki
Pashayan	Stack	Zeferetti

NAYS—6

Bauman	Dickinson	Lungren
Crane, Philip	Lloyd	Mitchell, Md.

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—99

Ambro	Fary	Patten
Anderson, Ill.	Florio	Patterson
Applegate	Ford, Mich.	Pritchard
Ashley	Ford, Tenn.	Pursell
Baldus	Garcia	Rangel
Beard, R.I.	Ginn	Richmond
Beard, Tenn.	Hall, Ohio	Roberts
Bethune	Harris	Rodino
Bevill	Harsha	Roe
Boggs	Heckler	Rosenthal
Boiling	Heftel	Sabo
Brooks	Holtzman	Santini
Brown, Calif.	Ichord	Satterfield
Brown, Ohio	Jenrette	Shelby
Burgener	Johnson, Colo.	Shumway
Burlison	Kelly	Skelton
Burton, John	Kemp	Solomon
Byron	Kindness	Spellman
Chappell	LaFalce	St Germain
Cheney	Lederer	Stark
Chisholm	McCloskey	Taylor
Clay	McCormack	Thompson
Collins, Ill.	McDonald	Ullman
Corman	Mavroules	Wampler
Daniel, Dan	Mitchell, N.Y.	Waxman
Cotter	Moffett	Whitehurst
Crane, Daniel	Murphy, N.Y.	Williams, Mont.
Davis, S.C.	Murtha	Williams, Ohio
Deckard	Neal	Wilson, Bob
Dodd	Nedzi	Wilson, C. H.
Donnelly	Nolan	Wolff
Dougherty	Nowak	Wydler
Eckhardt	O'Brien	Young, Alaska

□ 1020

Mr. WALKER changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6704, with Mr. GORE in the chair.

□ 1030

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from North Carolina (Mr. ANDREWS) will be recognized for 30 minutes, and the gentleman from Missouri (Mr. COLEMAN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. ANDREWS).

Mr. ANDREWS of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the Committee on Education and Labor presents H.R. 6704, the Juvenile Justice Amendments of 1980. Its purpose is to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for the act and for other purposes.

H.R. 6704 represents a strong bipartisan effort. In that regard, I would like to thank my distinguished colleague from Missouri (Mr. COLEMAN), the ranking minority member of the Subcommittee on Human Resources, who has joined me as a sponsor of the bill. The other members of the subcommittee also deserve special thanks for their efforts during the hearings and markup sessions on the bill. At this point, I would be remiss if I did not as well express my appreciation to the distinguished chairman of our committee, the Honorable CARL PERKINS, as well as to my other colleagues who joined me in sponsoring H.R. 6704: Mr. HINSON, Mr. KILDEE, Mr. HAWKINS, Mr. RAILSBACK, Mr. CORRADA, Mr. STACK, Mr. KOGOVSEK, and Mrs. CHISHOLM.

As you can tell, cooperation on both sides of the aisle has been considerable. H.R. 6704 was reported out of subcommittee unanimously and on April 22, 1978, the full committee favorably reported the bill, as amended, by a rollcall vote of 32 to 0.

As reported out of committee, the Juvenile Justice Amendments of 1980 extend the Juvenile Justice and Delinquency Prevention Act of 1974 for 4 additional years at currently authorized levels of funding. Title III of the act, known as the Runaway and Homeless Youth Act, is also extended for 4 additional years at its presently authorized funding level.

While the bill makes only modest changes in an act the committee believes is working well, it does provide that an additional purpose of the act is to assist States and localities in removing juveniles from jails and lockups intended for adults. It further establishes, as a policy of the Congress, that methods of preventing and reducing delinquency should include those with a special focus on maintaining and strengthening the family. In numerous places throughout the bill, it is also provided that additional attention should be paid to the problem of juveniles who commit serious crimes.

Under H.R. 6704, Federal administration of the Juvenile Justice Act has been streamlined. The size of the National Advisory Committee has been reduced. For the first time, limits have been placed on authorized appropriations for the National Advisory Committee and the Federal Coordinating Council on Juvenile Justice. The use of consultants has been limited and the Office of Juvenile Justice and Delinquency Prevention has been separated from the Law Enforcement Assistance Administration, to remain within the Justice Department.

The committee bill continues to recognize juvenile crime as primarily a State and local problem. With that in mind, nearly two-thirds of all appropriations are directed to State and local government programs through formula grants to voluntarily participating States. H.R. 6704 adds new eligible program areas for working with juvenile gangs and training law enforcement and juvenile justice personnel to recognize and more effectively treat learning disabled and other handicapped youngsters who come in contact with the juvenile justice system.

At the urging of the Attorney General and a large number of national groups, including the American Bar Association, the National Council of Juvenile Court Judges, the National Sheriffs Association, the National Association of PTA's, the National Council of Jewish Women, and the National Association of Counties, to mention only a few, H.R. 6704 requires that States who participate in the formula grant program agree, within 5 years, to remove juveniles from jails and lockups intended for adults. Two additional years would be available for States who substantially comply within the first 5 years.

With regard to "special emphasis" or discretionary programs, H.R. 6704 makes only slight modifications. For the first time, the administrator will be required to make such assistance available on an equitable basis to deal with the problems of disadvantaged and minority youth.

H.R. 6704 broadens the scope of the runaway youth program to provide that it serve other homeless youth as well as runaways. Two additional program authorities are provided: One to address the needs of chronic runaways and the second to provide training to improve treatment of learning disabled and other handicapped youth.

Mr. Chairman, the committee is pleased to present this act today for consideration by the House. We believe that it provides a program that deserves the continued support of the Congress.

Mr. COLEMAN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. COLEMAN asked and was given permission to revise and extend his remarks.)

Mr. COLEMAN. Mr. Chairman, the bill before the House today enjoys strong bipartisan support. H.R. 6704 was reported by the Committee on Education and Labor by a vote of 32 to 0. This vote confirms the fact that the bill is a realistic, sound approach toward reauthorizing a Federal program which has proven its worth since its original enactment.

H.R. 6704 represents a refinement of existing law rather than a comprehensive revision of it. In reauthorizing the

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Juvenile Justice and Delinquency Prevention Act, the Committee on Education and Labor sought to strengthen and clarify existing law without significantly expanding either the size or purposes of the program. Several basic legislative goals guided the committee, which will strengthen the Juvenile Justice Act over the next 4 years:

First. The accountability of the Federal administering agency, the Office of Juvenile Justice and Delinquency Prevention, is increased as a result of a restructuring of the position of that office within the Department of Justice. Under existing law, OJJDP is included as a part of the Law Enforcement Assistance Administration. This structure has resulted in confused lines of authority and in a lack of accountability to Congress.

Under the new structure legislated in the bill, the Office of Juvenile Justice and Delinquency Prevention is established as a separate, self-sufficient office within the Office of Justice Assistance, Research and Statistics. The Administrator of OJJDP will be directly responsible for the implementation of the Federal juvenile justice program authorized under title II of this bill. This change will result in a significant enhancement of the ability of Congress to oversee the operations of the office.

Second. The bill reduces the paperwork requirements placed on States participating in the juvenile justice formula grant program. Under existing law participating States are required to submit a juvenile justice plan on an annual basis. H.R. 6704 modifies this requirement by limiting such a submission to but once every 3 years.

Third. The bill provides more flexibility to the States to carry out their responsibilities. Most importantly, the definition of "substantial compliance" with the act's prohibition on the incarceration of status and nonoffenders is changed to more realistically reflect the purposes of the act. Under existing law, a level of 75 percent deinstitutionalization is required without differentiating between detention facilities, where a juvenile may be held for only a few hours, and correctional facilities, where longer periods of incarceration must be served. H.R. 6704 recognizes that the deinstitutionalization provisions of the Juvenile Justice Act have the greatest impact on secure correctional facilities.

For this reason, H.R. 6704 permits States which have achieved 100 percent deinstitutionalization of their correctional facilities to be considered to be in "substantial compliance" with the applicable provisions of the act. This sensible change will permit many States which are making good-faith efforts to comply with the act's requirements to continue receiving juvenile justice funds. I should point out that the deinstitutionalization provisions that all States must comply with in their 5th year of participation under the act is unchanged by this legislation.

Fourth. Programs implementing projects relating to juvenile delinquency and learning disabilities are made eligible to receive funds by H.R. 6704. Under these programs it is possible to provide on-the-job training to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youths.

Fifth. The bill also keeps the lid on the potential expansion of the Federal juvenile justice effort. I am pleased to say that H.R. 6704 contains a level authorization level for both the juvenile justice and runaway and homeless youth programs authorized under the bill for all 4 years of the authorization period. This feature commits Congress to keeping the State and local level where it properly belongs.

H.R. 6704 will insure that the Juvenile Justice and Delinquency Prevention Act will continue to be cost effective and in the best interests of State and local governments. The responsibility for the problem of juvenile delinquency must ultimately be met at the State and local level. The Federal juvenile justice program embodies the commitment of our society to prevent juvenile delinquency. The involvement of juveniles in serious offenses has been on the increase throughout the last decade. If this trend is to be reversed, State and local governments will have to have a better understanding of the causes of delinquency and how to deal with them.

It is in providing guidance in addressing this need that the Juvenile Justice Act has been successful. Research into juvenile delinquency has demonstrated that work and recreational opportunities provided by community based organizations can go a long way toward preventing delinquency. The Juvenile Justice Act therefore authorizes the use of funds for such projects. Research shows that better trained probation, law enforcement, and juvenile justice personnel are better equipped in identifying the needs and problems of juveniles.

The Juvenile Justice Act therefore authorizes the funding of such training. Research also shows that youths "pushed-out" or "dropping out" of schools tend to become involved in delinquency. The Juvenile Justice Act therefore authorizes the use of funds for programs to keep these youths in school or in some alternative learning situation.

All of these prevention activities in the act are supplemented by provisions to improve the treatment of juveniles who come into contact with the law. Research has demonstrated that exposing juveniles to the environment of adult jails has adverse effects on them—both in terms of their becoming involved in further delinquent and criminal acts and in terms of preserving their physical and mental well-being. The Juvenile Justice Act addresses the problems of the juvenile placed in a secure detention or correctional facility by requiring "sight and sound" separation of juveniles from adults housed in the same secure facility. In H.R. 6704, a new mandate is added which requires the complete removal of all juveniles from adult jails and lockups within a maximum of 7 years after the date of enactment.

In theory, this new requirement is an important step forward in compassionately and effectively addressing the special needs of incarcerated juveniles. Unfortunately, however, Congress is being asked by the administration to add this new requirement without adequate information.

Both the cost to the States and the effect on State juvenile justice practices are unknown. Later today I will offer an amendment to correct this lack of information while at the same time preserving the important step forward brought about the complete removal requirement.

My amendment modifies this requirement by directing the Administrator to promulgate regulations "which recognize the special needs of areas characterized by low-population density with respect to the detention of juveniles." The amendment permits the temporary detention of juveniles accused of serious crimes against persons in adult facilities, subject, of course to the existing sight and sound separation requirement, only if there is no existing acceptable alternative placement available. The amendment also requires a report and recommendations be made to Congress within 18 months after enactment on the cost and effects of the complete removal requirement. This amendment addresses the concern of States across the Nation that the complete removal requirement will force them to begin the construction of new jails at a tremendous cost.

A second concern with H.R. 6704 arises from a provision struck from the bill during committee markup. During subcommittee markup I successfully offered an amendment to H.R. 6704 which altered the existing requirement of the act that participating States agree not to incarcerate status and nonoffenders after a maximum of 5 years after beginning participation in the formula grant program. As a general requirement, this provision has received widespread support from the juvenile justice community, including juvenile courts judges.

The problem with the provision is that it allows for no exceptions. Simply put, the Juvenile Justice Act presently ties the hands of juvenile court judges in States participating under the act. In these States, juvenile court judges can do nothing to a juvenile who simply ignores the order given to him or her as a result of a status offense which brought them before the court. The net effect of this provision is that the respect that juveniles have for juvenile and family courts is diminished.

The amendment which was removed from the bill during full committee markup will be offered again today by the gentleman from Ohio (Mr. ASHBROOK). The purpose of this amendment is to strengthen the "bottom-line" authority of juvenile courts so they will be perceived as serious institutions by juveniles appearing before them. The amendment operates by allowing judges to incarcerate juveniles who are "in violation of a valid court order." The intention of the amendment is to focus on those juveniles who, for one reason or another, fall into the category of being unamenable to any other court disposition. Because the amendment limits the exception to those juveniles who have violated a valid court order, only those juveniles who are appearing before a court for at least the

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second time would be subject to this exception.

I think nearly every Member of this House would agree with me, that juvenile justice is properly a State function. In requiring the States to adopt certain practices relating to their juvenile courts, Congress sought to improve the treatment of juveniles in the States. Congress did not seek to remove the authority of State courts to deal with the problem of juvenile delinquency. For this reason, the adoption of the amendment allowing for the incarceration of juveniles in violation of a valid court order will return the full authority vested in State courts under their State constitutions to the State courts.

Mr. ANDREWS of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

(Mr. CORRADA asked and was given permission to revise and extend his remarks.)

Mr. CORRADA. Mr. Chairman, I rise in support of the Juvenile Justice Amendments of 1980, H.R. 6704. This is a strong piece of legislation which through bipartisan support succeeds in extending and improving the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974.

The rate of serious and violent crime by juveniles has risen markedly in the last decade although it appears to have peaked and begun a slight downward trend in the past several years. Thousands of youth who could be handled more effectively by other service delivery systems are unnecessarily processed through the juvenile justice system each year. Many times the result of this is merely labeling the juvenile as a delinquent or status offender rather than providing help for his or her problem.

Through the Juvenile Justice and Delinquency Prevention Act, funds, technical assistance, and research information is provided to assist in the development of alternatives to the traditional juvenile justice system. State and local governments, private nonprofit agencies and volunteer groups are encouraged to seek more effective means of addressing the needs of these juvenile offenders. Alternatives to incarceration are being developed to serve high risk offenders—the majority of which are urban, poor, and of minority background. The need to attack crime at its roots is obvious, and this legislation would continue a program which has been most successful in early rehabilitation of youthful offenders.

Recognizing the detrimental effect of allowing close contact with convicted criminals, this act requires participating States to remove juveniles from adult jails. Also prohibited is placement of status offenders and nonoffenders such as dependent or neglected children in secure detention or correctional facilities. These changes have not been accomplished as easily or as quickly as we would hope, but there has been visible progress toward compliance with these provisions, which will be reinforced through extension of current law.

Whereas sound and sight separation of adults from juveniles is currently mandated, total removal of the juvenile from adult jails is not required. Jails and lockups have been constructed for adults; they were not intended for children, and staff is not trained to deal with children. Moreover, the separation of juveniles and adult offenders in most of the Nation's jails and lockups is very costly to achieve and may be architecturally impossible. Juveniles are often placed in the most undesirable parts of the facilities, such as solitary cells and drunk tanks. There is no guarantee that children held in jails, though separated from adults, will receive even the minimal services required to meet their special needs. If we are truly serious about ameliorating the status of the juvenile offender, we must expand this legislation to require compliance with the intents behind the concept of separation.

The purposes of this act are expanded to reflect a congressional interest in the maintenance and strengthening of the family unit. Many juveniles removed from their homes could be better served if resources were focused on strengthening the family so the child could be maintained there rather than in alternate facilities. Such targeting would be more efficient, less costly, and potentially more effective.

The changes proposed through this legislation will strengthen the juvenile justice system, fine-tuning a program which has already shown positive results. The inroads we have achieved through current law must be broadened and straightened to address more and more specifically the needs of the juvenile. There must be not only a monetary commitment to aiding the juvenile, but also a commitment to resolve the legal and social problems which lead children into trouble. Alternatives to traditional policies must be developed and innovation must be encouraged. H.R. 6704 provides the vehicle for such efforts.

I commend my colleagues Mr. ANDREWS and Mr. COLEMAN for their diligence and cooperation in drafting this bill, and I urge its adoption.

□ 1040

Mr. COLEMAN. Mr. Chairman, I yield 6 minutes to the gentleman from Illinois (Mr. RAILSBACK).

(Mr. RAILSBACK asked and was given permission to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Chairman, I wish, first of all, to commend the chairman of the subcommittee, the gentleman from North Carolina (Mr. ANDREWS), for the fine job that I believe he has done; and also to commend Mr. COLEMAN for the work and the interest that he has shown.

I had the opportunity to be involved in the formulation of the so-called Juvenile Justice and Delinquency Prevention Act back in 1974, and have worked in the area of juvenile justice since I was in the Illinois Legislature. The Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice, of which I am the ranking minority member, has jurisdiction over the Federal prisons, and I have had occasion to talk and visit with many administrators, with many correctional officers, and even many inmates, both the honor inmates as well as some of the hardcore criminals. These experiences reinforced my previous interest in taking steps to improve the juvenile justice system.

In 1974, we thought that it was important to develop a comprehensive program for a coordinated Federal effort to combat one of the most serious aspects of crime in our country, namely, youthful crimes. The issue of juvenile delinquency is a very real problem. For example, in 1978 persons under 18 years of age accounted for 40.5 percent of the arrests for serious crimes, although persons 10 to 17 years of age accounted for only 14 percent of the U.S. population. It has been estimated that crimes committed by young people under the age of 25 cost our country over $15 billion annually. Even more importantly, the price we pay in human terms is immeasurable.

One of the most significant provisions of this legislation is the program to completely remove juveniles from secure correction facilities over the next 7 years rather than using the so-called sight and sound separation now required. Some young people simply lack the maturity to cope with the adult offender, and as a matter of fact many of them have even committed suicide rather than continue to endure abuse.

During 1978, for instance, the suicide rate of young people in adult jails was approximately seven times the rate of children held in juvenile detention facilities. For these reasons, the commitment to remove juveniles from jails is a goal worth striving to achieve.

Title II of H.R. 6704 administratively separates the Office of Juvenile Justice and Delinquency Prevention from LEAA and places it under the coordination of the Office of Justice Administration, Research and Statistics and the general authority of the Attorney General. It becomes one of the four coequal offices, along with the Law Enforcement Assistance Administration, the National Institute of Justice, and the Bureau of Justice statistics. I think that is a significant change that will help to underscore the importance that we attach to juvenile justice and will, I hope, focus attention on the unique problems presented to us in dealing with juvenile programs.

I am also very pleased to see that the committee has recommended the continuation of the National Institute for Juvenile Justice. I had the privilege of sponsoring that legislation, along with the former Member from Chicago, Ill., Mr. Abner Mikva—now a Federal judge—as well as another former member, Mr. Biester of Pennsylvania. When the Institute was incorporated in the 1974 act, I felt that it could serve a valuable function by communicating information about programs and techniques available to those responsible for initiating and implementing programs in the States and local governments. I continue to feel that the collection and dissemination of this kind of information is very important.

Another very important provision of H.R. 6704 pertains to the emphasis on

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dealing with the serious juvenile offender. The bill contains new program authority to address the needs of juveniles who commit serious crimes. I believe that is extremely important. I believe that the legislation that we are considering here today not only continues the efforts to achieve the very worthwhile goals set in the Juvenile Justice Act of 1974, but also challenges us to take even more significant steps toward dealing with the problems of juvenile justice.

I urge my colleagues to join with me in supporting this important legislation.

[Mr. ANDREWS of North Carolina addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. COLEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. PEPPER) to speak in support of the bill.

Mr. PEPPER. Mr. Chairman, I thank the distinguished chairman for giving me an opportunity to commend him and his colleagues for bringing this bill to the floor of the House. I was honored by being chairman of the Select Committee on Crime in this House for 4 years, and one thing that came very vividly to the attention of our committee was that most of the crime committed in this country was by people under 18 years of age. In fact, about half of the people arrested for crimes are under 18 years of age.

If we are in fact going to curb crime, which is a matter of such concern to all of us, one of the best ways to start is to try to prevent crime; and one of the best areas in which to make that effort is in the juvenile area of our population. I have had the opportunity to see, and I have had testimony before our committee as to how we can prevent crime by finding a way to divert the effort and energies of young people into useful occupations. I could give the details of a case where, by giving the meanest boy in the community a job and a title in a center where aid was given to delinquent children, that boy became a leader for good and for law and order in that community.

I hope that this bill will be implemented in connection with job-providing agencies of our Federal Government. I hope the other body will enact the legislation recommended by the President and adopted by this House, to provide jobs to youth to the extent of $2 billion. We will stop more crime by the implementation of this bill and providing wise employment of these people than, I believe, we can do in any other way.

So, I commend the distinguished chairman and his committee for what they are doing to curb and prevent crime in America.

Mr. COLEMAN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

□ 1050

Mr. ANDREWS of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. WEISS).

(Mr. WEISS asked and was given permission to revise and extend his remarks.)

Mr. WEISS. Mr. Chairman, first, I want to express my appreciation to our distinguished colleague for yielding this time to me. I want to commend the gentleman from North Carolina (Mr. ANDREWS) as well as the gentleman from Missouri (Mr. COLEMAN), the ranking minority member, for this landmark legislation that they have brought to this floor. I support it wholeheartedly.

Mr. Chairman, I rise in support of H.R. 6704, the Juvenile Justice Amendments of 1980. This legislation which extends the Juvenile Justice and Delinquency Prevention Act, and the runaways and homeless youth program, provides funds to States, local governments, and agencies to prevent juvenile delinquency and improve the juvenile justice system.

The Education and Labor Committee of which I am a member, made a number of substantial changes during the reauthorization of H.R. 6704 which I believe will significantly strengthen the act. New authority is established for treatment of juveniles who commit serious crimes, and for the creation of projects for work with juvenile gangs. Localities are encouraged to consider education programs as a measure of alternative treatment, increase the use of nonsecure community-based facilities, and incentives are provided for the removal of juveniles from adult jails. The bill requires that within 5 years no juvenile shall be held in a jail or lockup for adults.

The bill improves the current use of shelters for runaways and homeless youths by making shelter services available to the families of runaways. Newly authorized grants will be available for centers to develop model programs for runaways in cooperation with the members of the juvenile court and social service agencies.

In particular, the requirement that juveniles be removed from adult prisons and lockups is critically important. In testimony before the Subcommittee on Human Resources, a variety of organizations including the Justice Department, the National Sheriff's Association, the Child Welfare League, and the American Civil Liberties Union endorsed this concept. Witnesses stated that during 1978 the suicide rate for juveniles incarcerated in adult jails was about seven times the rate for children in juvenile facilities.

The full committee also removed language adopted in the subcommittee which would permit children who are status offenders and violate court orders to be placed in secure detention and correctional facilities. Status offenses are those which if committed by an adult would not be considered a criminal offense, such as running away or incorrigibility. The committee's action was supported by the Child Welfare League, National Association of Counties, and the National Council on Crime and Delinquency. To place a child in an adult facility with convicted criminals for not attending schools or running away, is certainly callous and inhumane. The possible damage to the child could be irreparable. I strongly oppose any attempt to reinstate the subcommittee amendment.

This legislation represents a small but significant effort by the Federal Government to address the critical problem of juvenile delinquency. I support the bill as reported by the committee and urge my colleagues to join me in voting for its passage.

● Mr. SIMON. Mr. Chairman, I rise in support of H.R. 6704, the Juvenile Justice Amendments of 1980. The pending bill would continue the Juvenile Justice and Delinquency Prevention Act, administered out of the Department of Justice, for an additional 4 years. This program is primarily aimed at impacting on young people before they become involved in the criminal justice system. It has always received strong bipartisan congressional support, as is evidenced by the 32-to-0 vote to favorably report the measure from the Committee on Education and Labor. H.R. 6704 would also continue the Runaway and Homeless Youth Act, administered by the Department of Health and Human Services.

The major share of funds under title II of the Juvenile Justice and Delinquency Prevention Act is allocated to the States and territories on the basis of relative population of persons under age 18. Each participating jurisdiction has agreed not to place status offenders—children who have committed offenses such as running away and truancy that are not adult crimes—in secure detention or correctional facilities. In addition, juveniles may not be placed in any institution in whch they have regular contact with incarcerated adults.

H.R. 6704 would strengthen this latter condition of funding by making it clear that children may not be detained or confined in adult jails and lockups. As logical as this highly significant provision may seem, it is regrettable that hundreds of thousands of young people are needlessly jailed each year in adult facilities. I am pleased that the Office of Juvenile Justice and Delinquency Prevention has pledged that additional financial resources will be made available to help implement this provision over the 5-year period in the bill. I commend my colleague from Colorado (Mr. KOGOVSEK) for taking the lead in offering this amendment in committee. The concept is supported by the Justice Department and numerous national organizations.

A second significant change from current law made by H.R. 6704 is the proposed independence of the Office of Juvenile Justice and Delinquency Prevention from the Law Enforcement Assistance Administration. I have been a critic of LEAA and am glad to see that the vital juvenile justice program would be clearly separated from this other, dying agency. This will help assure that the program receives priority attention from the administration and Congress, and that it can administer the program effectively and without the restrictions it has faced in the past.

The chairman of the Subcommittee on Human Resources, Mr. ANDREWS of North Carolina, has demonstrated his commitment to assisting young people through his sponsorship and manage-

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ment of this strong bill. I urge my colleagues to resist any amendments which might be offered to weaken the provisions of current law and to join me in enacting H.R. 6704 so that the reforms it includes may be swiftly implemented.●

Mr. ANDREWS of North Carolina. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Education and Labor, now printed in the reported bill, is considered as an original bill for the purpose of amendment, and each section shall be considered as having been read.

The Clerk will designate section 1.

The Clerk proceeded to designate section 1.

Mr. ANDREWS of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The committee amendment in the nature of a substtiute reads as follows:

H.R. 6704

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by striking out "$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieu thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983 and September 30, 1984".

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding a the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.".

PURPOSE

SEC. 4. (a) Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (6) thereof, by striking out "and" at the end thereof;

(2) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) to assist State and local governments in removing juveniles from jails and lockups for adults.".

(b) Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

SEC. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting "special education," after "training,".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;".

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;".

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) the term 'secure correctional facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

"(14) the term 'serious crime' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and".

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f)(1), is amended—

(1) by inserting "special education," after "educational,"; and

(2) by striking out "and benefit the addict" and all that follows through ", and his" and inserting in lieu thereof ", including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and".

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "under the general authority of the Attorney General".

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out "direction of" and all that follows through "Administration" and inserting in lieu thereof "general authority of the Attorney General";

(2) in the second sentence thereof, by striking out ", subject to the direction of the Administrator,", and by inserting "prescribe regulations for," before "award";

(3) in the third sentence thereof—

(A) by inserting "of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice" after "Administrator" the first place it appears therein; and

(B) by inserting "of the Office of Juvenile Justice and Delinquency Prevention" after "Administrator" the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Attorney General".

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Administrator" the last place it appears therein and inserting in lieu thereof "Attorney General".

CONCENTRATING OF FEDERAL EFFORTS

Sec. 7. (a) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) by striking out ", with the assistance of the Associate Administrator."; and

(2) in paragraph (6) thereof, by inserting "and training assistance" after "technical assistance".

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection:

"(m) To carry out the purposes of this

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section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting "the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration," after "Secretary of Labor,"; and

(2) by striking out "the Secretary of Housing and Urban Development," and inserting in lieu thereof "the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out "the Attorney General and";

(2) by inserting ", and to the Congress," after "President"; and

(3) by adding at the end thereof the following new sentence: "The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.",

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out "a minimum of four times per year" and inserting in lieu thereof "at least quarterly".

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "may" and inserting in lieu thereof "shall".

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by inserting ", not to exceel $500,000 for each fiscal year" before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

"NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the 'Advisory Committee') which shall consist of 15 members appointed by the President.

"(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

"(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

"(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

"(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

"(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(c) The Advisory Committe shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State and local action to facilitate the adoption of such standards throughout the United States.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed daily rate specified for Grade GS-18 of the General Schedule in section 5332 of title 5, United States Code, including travel time.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.'.

ALLOCATION

SEC. 10. The first sentence of section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended by striking out "in a manner" and all that follows through "part" and inserting in lieu thereof "in an equitable manner to the States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by such States in a manner consistent with the purposes of section 223(a)(10)(H)".

STATE PLANS

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "consistent with the provisions" and all that follows through "such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall".

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "twenty-one" and inserting in lieu thereof "15", and by striking out "thirty-three" and inserting in lieu thereof "33".

(3) Section 223(a)(3)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(B)) is amended—

(A) by inserting "locally elected officials," after "include"; and

(B) by inserting "special education," after "education,".

(4) Section 223(a)(3)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(E)) is amended—

(A) by striking out "one-third" and inserting in lieu thereof "one-fifth";

(B) by striking out "twenty-six" and inserting in lieu thereof "24";

(C) by inserting ", and" after "appointment"; and

(D) by striking out "three of whom" and inserting in lieu thereof "3 of whose members".

(5) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) by striking out "(ii) may advise" and all that follows through "requested;" and

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inserting in lieu thereof "(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);"; and

(B) by adding at the end thereof the following: "and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;".

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out "and" at the end thereof.

(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

"(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;".

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(A) by striking out "juvenile detention and correctional facilities" and inserting in lieu thereof "confinement in secure detention facilities and secure correctional facilities";

(B) by striking out "and" the fifth place it appears therein;

(C) by inserting after "standards" the following: ", and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation"; and

(D) by adding at the end thereof the following new subparagraph:

"(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;".

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting "education, special education," after "home programs,".

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out "keep delinquents and to", and by inserting "delinquent youth and" after "encourage".

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

"(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

"(i) remove juveniles from jails and lockups for adults;

"(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

"(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

"(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;".

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

"(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and".

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

(14) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in paragraph (15)(A), is amended—

(A) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraph (12)(A), paragraph (13), and paragraph (14)"; and

(B) by inserting before the semicolon at the end thereof the following: ", except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively".

(15) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended by the foregoing provisions of this subsection, is further amended—

(A) by redesignating paragraph (14) through paragraph (21) as paragraph (15) through paragraph (22), respectively, and by inserting after paragraph (13) the following new paragraph:

"(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults,"; and

(B) by adding at the end thereof the following new sentence: "Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).".

(b) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking out ", with the concurrence of the Associate Administrator,";

(2) by inserting after "juveniles" the following: "or through removal of 100 percent of such juveniles from secure correctional facilities"; and

(3) by adding at the end thereof the following new sentence: "Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.".

(c) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) by striking out "special emphasis prevention and treatment";

(2) by striking out "section 224" and inserting in lieu thereof "subsection (a)(10)(H)";

(3) by striking out "endeavor to";

(4) by striking out "a preferential" and inserting in lieu thereof "an equitable";

(5) by striking out "to programs in nonparticipating States under section 224(a)(2) and";

(6) by striking out "substantial or"; and

(7) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)".

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lockups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: ", including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsection:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.".

PAYMENTS

SEC. 13. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended by striking out subsection (b) thereof, and by redesignating subsection (c) through subsection (g) as subsection (b) through subsection (f), respectively.

(b) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "subpart II of" after "applicant under"; and

(2) by striking out "under section 224" and inserting in lieu thereof "in an equitable manner to States which have complied with

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the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224 (a)(5)".

ADMINISTRATIVE PROVISIONS

SEC. 14. Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

"(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.".

RUNAWAY AND HOMELESS YOUTH

SEC. 15. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

"TITLE III—RUNAWAY AND HOMELESS YOUTH".

(b) Section 301 of the Juvenile Justice and Delinquency Preventiol Act of 1974 (42 U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families," after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

(5) by adding at the end thereof the following new subsections:

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

"(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.".

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "house" and inserting in lieu thereof "center", and by inserting "or to other homeless juveniles" before the period at the end thereof.

(2) Section 312(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(b)) is amended—

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel,".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "$100,000" and inserting in lieu thereof "$150,000", and by striking out "any applicant whose program budget is smaller than $150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "houses' and inserting in lieu thereof "centers".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 16. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereby "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate".

(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(l) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)) is amended by striking out "Associate".

(4) Section 204(k) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(k)) is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(5) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" each place it appears therein; and

(E) by inserting "the Director of the National Institute of Justice," after "Prevention," the last place it appears therein.

(2) Section 206(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(b)) is amended by striking out "Associate".

(3) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

(g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968".

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

(4) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 502(b)" and inserting in lieu thereof "section 1002".

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11)) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 223(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 563(a)(12)(B)) is amended by striking out "Associate".

(7) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(8) Section 223(a)(18)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "or" the first

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place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a)(21) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a)(22) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(11) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended in section 11(a)(15)(B), is further amended (in the sentence preceding the last sentence thereof) by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511)) and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 224(a)(6) of the Juvenile Justice and Delinqency Prevention Act of 1974 (42 U.S.C. 5634(a)(6)) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(i) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803".

(j)(1) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "Associate" each place it appears therein.

(2) Section 241(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(c)) is amended by striking out "National Institute of Law Enforcement and Criminal Justice" and inserting in lieu thereof "National Institute of Justice".

(k) Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by striking out "sections 249, 250, and 251" and inserting in lieu thereof "sections 248, 249, 250".

(l) Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is amended by striking out "Associate".

(m) Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended by striking out "Associate" each place it appears therein.

(n) Section 248(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5658(a)) is amended by striking out "Associate" each place it appears therein.

(o) Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "Associate".

(p)(1) Section 250(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(a)) is amended by striking out "Associate" each place it appears therein.

(2) Section 250(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(b)) is amended by striking out "Associate" each place it appears therein.

(3) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

AMENDMENT OFFERED BY MR. ANDREWS OF NORTH CAROLINA

Mr. ANDREWS of North Carolina. Mr. Chairman, I offer an amendment which is printed in the RECORD.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS of North Carolina: Page 16, strike out line 7 through line 15, and insert in lieu thereof the following:

SEC. 10. The last sentence of section 222(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(a)) is amended by striking out "and", and by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Pacific Islands".

Page 24, strike out line 20 through line 24, and insert in lieu thereof the following new paragraphs:

(1) by inserting "endeavor to" after "the Administrator shall";

(2) by striking out "public and private" and all that follows through "section 224" and inserting in lieu thereof "local public and private nonprofit agencies within such State for use in carrying out the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)";

(3) by striking out "endeavor to make such reallocated funds" and inserting in lieu thereof "make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds,";

Page 27, after line 5, insert the following new section (and redesignate the subsequent sections accordingly):

DESIGNATION OF STATE AGENCIES

SEC. 14. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, if the Administrator determines, in his discretion, that sufficient funds have not been appropriated for any fiscal year for the activities authorized in part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968, then the Administrator is authorized to—

"(1) approve any appropriate State agency designated by the Governor of the State involved as the sole agency responsible for supervising the preparation and administration of the State plan submitted under section 223; and

"(2) establish appropriate administrative and supervisory board membership requirements for any agency designated in accordance with paragraph (1), and permit the State advisory group appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor.".

Mr. ANDREWS of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

(Mr. ANDREWS of North Carolina asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS of North Carolina. Mr. Chairman, the amendment I have offered corrects a drafting error and makes rather minor changes in State administrative requirements to grant Governors needed flexibility in the event LEAA should be phased out and to clarify procedures for expending unobligated funds. These amendments have been reviewed by my friends on the other side of the aisle and, I believe, are noncontroversial.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Carolina. I yield to the gentleman from Missouri.

Mr. COLEMAN. Mr. Chairman, I support the gentleman's amendment and have no objection.

Mr. ANDREWS of North Carolina. I would like to thank my friend from the minority side.

Mr. Chairman, I ask for the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. ANDREWS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KRAMER

Mr. KRAMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KRAMER: Page 26, after line 14, insert the following new section (and redesignate the subsequent sections accordingly):

USE OF FUNDS

SEC. 13. (a) Section 227 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637) is amended by adding at the end thereof the following new subsection:

"(c) Funds paid pursuant to section 223(a)(10)(D) and section 224(a)(7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 224(a)(7) are used either directly or indirectly in any manner prohibited in this subsection.

Mr. KRAMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. KRAMER. Mr. Chairman, this amendment places a reasonable restriction and limitation on lobbying activities under the Juvenile Justice Act for the advocacy program. It is a compromise amendment that was worked out in a bipartisan way and perfected with the able and dedicated assistance of my colleague, the gentleman from North Carolina (Mr. ANDREWS).

I would like to express my apprecia-

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tion at this point for the gentleman's cooperation and assistance in resolving this matter in a way that, I think, will be beneficial to not only the operation of the Juvenile Justice Act, but for the Congress as well.

With that explanation, Mr. Chairman, I would ask for the adoption of the amendment.

[Mr. ANDREWS of North Carolina addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado (Mr. KRAMER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: Page 23, line 12, insert before the semicolon the first place it appears therein the following: " except that the Administrator shall promulgate regulations which (A) recognize the special needs of areas characterized by low population density with respect to the detention of juveniles; and (B) shall permit the temporary detention in such adult facilities of juveniles accused of serious crimes against persons, subject to the provisions of paragraph (13), where no existing acceptable alternative placement is available".

Page 28, after line 9, insert the following new section (and redesignate the subsequent sections accordingly):

REPORT REGARDING CONFINEMENT OF JUVENILES IN JAILS FOR ADULTS

SEC. 15. (a) The Administrator of the Office of Juvenile Justice and Delinquency Prevention, not later than 18 months after the date of the enactment of this Act, shall submit a report to the Congress relating to the cost and implications of any requirement added to the Juvenile Justice and Delinquency Prevention Act of 1974 which would mandate the removal of juveniles from adults in all jails and lockups.

(b) The report required in subsection (a) shall include—

(1) an estimate of the costs likely to be incurred by the States in implementing the requirement specified in subsection (a);

(2) an analysis of the experience of States which currently require the removal of juveniles from adults in all jails and lockups;

(3) an analysis of possible adverse ramifications which may result from such requirement of removal, including an analysis of whether such requirement would lead to an expansion of the residential capacity of secure detention facilities and secure correctional facilities for juveniles, thus resulting in a net increase in the total number of juveniles detained or confined in such facilities; and

(4) recommendations for such legislative or administrative action as the Administrator considers appropriate.

Mr. COLEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COLEMAN. Mr. Chairman, the amendment I am offering is a compromise which the gentleman from North Carolina and myself have developed in consultation with and the approval of the administration. The amendment addresses several concerns which have arisen over the new 5 year deinstitutionalization requirement which was added during full committee consideration of H.R. 6704. This language currently requires that as a condition of participation in the program that States intending to receive formula grant funds must within 5 years after enactment remove all juveniles from any adult jail or lockups. Although this new provision represents a major advance in the compassionate and effective handling of incarcerated youth, many States are afraid that the cost of meeting this mandate could be excessive, if not prohibitive. The State of Texas, for example, estimates the cost of constructing new "separate" facilities would exceed $100 million. Indiana has stated it would be fiscally impossible to achieve. Many other States face simiar difficulties unless we amend this requirement to make it more flexible.

Admittedly, we have little information on what the actual cost of removal will be. Unfortunately, the administration, in developing the mandate, failed to ask the States how much they thought it would cost. The administration also failed to determine what other possible adverse effects this requirement would have on State juvenile justice practices.

What little information we have reveals that this new requirement might have a severe adverse effect on juvenile justice systems in areas of low population density. On the other hand the same body of evidence suggests that many areas should have little difficulty complying simply because they have a more sophisticated and elaborate system of correctional facilities which can accommodate separating adults from juveniles.

Mr. Chairman, no one doubts that incarcerated youth will be much better off when they are completely removed from adult prisons. We know that even juveniles that are separated by sight and sound from adult prisons suffer extremely harmful consequences. In fact, the "sight and sound separation" can often be counterproductive because juveniles are often placed in maximum security cells or drunk tanks because these are the only alternatives the authorities have to meet the current separation requirements. And it is in this kind of environment that rapes, physical assaults and exploitation and other brutality most often occur. Suicide among youth in adult jails, even though separated by sight and sound is seven times the rate than for children in juveniles-only facilities.

There is a need to vigorously pursue the goal of removal of these young people from adult institutions. At the same time, we cannot ask the State to accomplish something that is fiscally impossible and might well lead to their decision not to participate in the Juvenile Justice Act.

All my amendment does is to provide the essential flexibility allow the financially strapped States to participate in the program without undermining the complete removal mandate. The amendment directs the administration of the Office of Juvenile Justice and Delinquency Prevention to take the needs of areas characterized by low population density into account in promulgating regulations implementing the complete removal provision. These regulations permit the placing the juveniles charged with serious crimes against persons, into adult facilities, but only if no acceptable alternative exists.

It is the intention of this amendment to direct the Administrator of the Office of Juvenile Justice and Delinquency Prevention to liberally grant exceptions to the complete removal requirement, where such exceptions are appropriate. In identifying those areas characterized by low-population density, I would anticipate that definition maximizing the number of low-population areas to be covered by the exception would be chosen. In recognizing the special needs of these areas in raising funds for the construction or operation of secure jails or lockups would be viewed as legitimate "special needs." It would be totally inappropriate, in my view, for the administration to second guess the budget priorities set within the States that led to a decision not to fund the construction or operation of a juveniles-only facility.

The provision in the amendment specifying that exceptions to the complete removal requirement shall be granted only where no acceptable alternative exists, refers to the acceptability of the alternative to the State or locality. It is not in the Federal Government's role to determine what an exceptable alternative is.

The report to Congress required under this amendment will provide sufficiently detailed information on the complete removal requirement to enable us to legislatively review it, if necessary. The generation of detailed information on the costs to the States of the complete removal requirement is the principal purpose of the report. I would anticipate that the Administrator would direct the National Institute on Juvenile Justice and Delinquency Prevention to conduct the research necessary to furnish this report to Congress. I would also anticipate that NIJJDP would contact each of the States and territories to determine their estimate of the costs and effects of the requirement in their jurisdictions. The responses of these authorities to the questions posed by NIJJDP would be included as an appendix to the report.

The report to Congress also includes information on possible adverse ramifications which may arise as a result of the complete removal requirement. One potential adverse ramification is the possibility that the requirement could result in an increased rate of juvenile incarceration. A second potential adverse ramification is that requirement could result in the waiver of a greater number of juveniles to the criminal court for trial as adults, and possible incarceration in adult facilities. A third potential adverse ramification is that juveniles who are released into the community will commit subsequent delinquent acts. In this regard, the study would include information on what happens to such youth after their release.

The report to Congress required under this amendment will also include legislative recommendations as deemed ap-

BEST DOCUMENT AVAILABLE

propriate by the Administrator. It is the intention of the amendment in requiring legislative recommendations to be made that Congress will have the opportunity to act on the findings included in the report as soon as possible after their submission.

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. Mr. Chairman, I would be happy to yield to the gentleman from North Carolina. It is my understanding that the gentleman will support this amendment.

Mr. ANDREWS of North Carolina. Mr. Chairman, neither I nor anyone, to the best of my knowledge, has any objection to the gentleman's amendment, and we appreciate his good work with the amendment.

Mr. COLEMAN. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. COLEMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. CHISHOLM

Mrs. CHISHOLM. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CHISHOLM: Page 26, after line 7, insert the following new subsection (and redesignate the subsequent subsection accordingly):

(c) Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)) is amended—

(1) in paragraph (10) thereof, by striking out "and" at the end thereof;

(2) in paragraph (11) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(12) develop and implement special emphasis prevention and treatment programs relating to juveniles who commit serious crimes."

Mrs. CHISHOLM. Mr. Chairman, as a cosponsor of this legislation, I have always been supportive of juvenile justice programs. However, I have become concerned that the Office of Juvenile Justice and Delinquency Prevention has focused too much attention on the status offender issue to the exclusion of other juvenile justice issues. My amendment seeks to address a problem in the juvenile deliquency area which I believe has been too long ignored. Serious youth offenders are a group which I believe needs special attention. This legislation defines serious crimes as criminal homicide, forcible rape, mayhem, kidnaping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary, extortion by threats of violence, and arson punishable as a felony. Many of our citizens, particularly our senior citizens, are too often the victims of serious criminal offenses by youthful offenders.

Yet despite the seriousness of these offenses, the Office of Juvenile Justice and Deliquency Prevention has not really placed much emphasis on the problem of the serious youth offender. This bill does recognize that the "serious youth offender" is a critical juvenile justice problem. The chairman and the Subcommittee on Human Resources are to be complimented on their initiative in this area. I believe, however, that this problem warrants a specific program which will seek to reduce the amount of violent and serious crimes perpetrated by youth. My amendment would create a special emphasis category for the serious youth offender. Similar initiatives have been created for advocacy activities, alternative education, programs relating to juvenile deliquency and learning disabilities. This amendment would insure that the Office of Juvenile Justice and Delinquency Prevention allocates specific funds for the serious youth offender programs.

I would urge the adoption of my amendment.

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Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yield?

Mrs. CHISHOLM. I yield to the gentleman from North Carolina.

Mr. ANDREWS of North Carolina. Mr. Chairman, I would like very much to thank the distinguished gentlewoman from New York for her contribution, not only in offering this amendment but generally with respect to the formulation of the program initially and its continuance.

Mr. Chairman, I very much agree with the amendment offered by the gentlewoman. The bill as submitted does have in various places and particulars an emphasis upon those youth who commit serious crime, but I think the amendment that is offered by the distinguished lady will place even special emphasis and would mandate that funds be appropriated by appropriate agencies for the specific purpose of addressing those particular problems. I think it to be altogether in order, in view of statistics available to the subcommittee in hearings which we have had and evidence I know of, of my own knowledge.

Mr. Chairman, I would very much like to again thank the gentlewoman and commend the gentlewoman's amendment to the committee.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS of North Carolina. I yield to the gentleman.

Mr. COLEMAN. I would like to join with our chairman in support of the amendment offered by the gentlewoman. I believe the gentlewoman pointed out some very appropriate things and there certainly is a need, probably much more so than to be provided under this bill financially in many of these areas, but it definitely would earmark some moneys where the gentlewoman wants to pinpoint the direction of the agency and I support the amendment.

Mr. ANDREWS of North Carolina. I believe the gentleman also would agree not only with the amendment itself but also with the preamble statement, the first statement made by the gentlewoman, and that is, whereas we very much appreicate the efforts of the subcommittee and the full committee and the appropriate agencies with respect to dealing with status offenders, and we think a good job has been done there and appropriately so.

But further, I am concerned and I believe the gentleman from Missouri shares that with me, that perhaps the emphasis has been on status offenders to the extent that we have neglected some other aspects of the act which should be dealt with; this being a good example.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. CHISHOLM).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EVANS OF THE VIRGIN ISLANDS

Mr. EVANS of the Virgin Islands. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. EVANS of the Virgin Islands: Page 26, line 10, strike out "subsection" and insert in lieu thereof "subsections".

Page 26, line 14, strike out the closing quotation marks and the period following such quotation marks.

Page 26, after line 14, insert the following:

"(e) At least 5 percent of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands.".

Mr. EVANS of the Virgin Islands (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from the Virgin Islands?

There was no objection.

Mr. EVANS of the Virgin Islands. Mr. Chairman, the amendments I propose in the first place would add no further cost to the Government. In the Virgin Islands as well as in the territories crime, particularly juvenile crime, has become a major problem. Perhaps to a greater extent even in the rest of the country, it is a problem in the Virgin Islands. We have perhaps 43 percent of our population considered juveniles. Last year's juveniles were arrested for 61 percent of all major serious crimes and 58 percent of a total of all crimes. When we add to that the number of cases in which juveniles are remanded to their parents, to the custody of their parents without formal arrest, the percentage becomes staggering. It has caused the quality of life to drop considerably and while this is perhaps not the most important aspect of it, it has brought about a serious threat to our main industry, that of tourism.

Mr. Chairman, under these circumstances we need help, great help, and this would set aside 5 percent of the total amount of money for all the territories of which the Virgin Islands would get its share. As I mentioned, it would cost no additional money but it would go a long way toward saving the Virgin Islands and making them a place where it is worth while living.

Mr. Chairman, I might also say that this amendment has been favorably received by both majority and minority on the committee.

Mr. Chairman, I offer this amendment

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in light of the severe juvenile crime problems facing the U.S. territories, especially in the Virgin Islands.

The resident population of the U.S. Virgin Islands is widely estimated to be 120,000 people, with an additional 2 million tourists visiting our beautiful shores annually. In Guam, the Trust Territories, the Northern Mariana Islands, and American Samoa, there is estimated to be approximately 250,000 residents.

In the Virgin Islands, and other territories, the juvenile population constitutes an average of 43 percent of the total population, yet, in the Virgin Islands, juveniles between the ages of 5 and 17 account for 61 percent of total arrests for serious crimes, 55 percent of total arrests for nonserious crimes, and 58 percent of total arrests. These statistics, of course, do not take into account the additional juvenile delinquents who are taken into custody but later released without arrest. Crime statistics available have also indicated that there is a substantial recidivism rate among juvenile delinquents in the Virgin Islands.

As you know, Mr. Chairman, the Virgin Islands are heavily dependent upon tourism for much needed revenue. I believe that my amendment will help to counteract the escalating violence attributed to juvenile delinquents.

Mr. Chairman, this amendment will not cause any increase in this bill's authorization level. Accordingly, I urge my colleagues to adopt this urgently needed amendment.

Thank you.

The CHAIRMAN. The question is on the amendment offered by the gentleman from the Virgin Islands (Mr. EVANS).

The amendment was agreed to.

Mr. BIAGGI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take this occasion to commend the chairman of the subcommittee (Mr. ANDREWS of North Carolina) for the excellent work on this bill and also I would like to address two questions to the gentleman.

First, as many of my colleagues here know, I am the author of the safe schools program in the Elementary and Secondary Education Act which authorizes $15 million per year in grants to local educational agencies to help them combat the problem of school violence and vandalism by juveniles.

Accordingly, I would like to know if the Advisory Council authorized in this legislation will consider the issues of school violence and investigate ways to complement our efforts in working to eliminate violence in our schools. If not, would the chairman be willing to state here as a matter of legislative history that this problem merits attention by the Council?

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BIAGGI. I yield to the gentleman from North Carolina.

Mr. ANDREWS of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from New York has previously expressed his opinion and given much assistance to this as well as other appropriate committees of the House and we are much aware of the gentleman's concern about the question of school violence.

I could not speak on behalf of the advisory committee. I feel sure that the advisory committee will address the problem in terms of advising as to the administration of this act. Regardless of the answer to that, certainly the answer to the second part of the question is yes, I would be pleased to join with the gentleman in admonishing in all ways possible in the conference report or otherwise that the advisory committee should most seriously address this problem.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman for his response to that question.

Second, it is my understanding that this bill adds two new areas which would be eligible for funding, one being the training of the law enforcement personnel to help learning disabled youth, and the second to deter the illegal activities of youth gangs.

Mr. Chairman, would the gentleman be able to explain to me whether local educational agencies would be eligible to apply for such grants under these provisions in order to help combat violence in schools by juveniles. If the answer is yes, could the chairman provide me with assurances that the conference report on this bill would reflect such permissible uses?

Mr. ANDREWS of North Carolina. Mr. Chairman, will the gentleman yeild?

Mr. BIAGGI. I will be glad to yield.

Mr. ANDREWS of North Carolina. Mr. Chairman, there is nothing in the bill to prohibit local educational units from becoming recipients of discretionary funds as the bill is now written and, second, yes, I would be pleased, in the conference report language or otherwise to encourage use of the funds as the gentleman has suggested.

Mr. BIAGGI. Mr. Chairman, I thank the gentleman and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: Page 26, strike out line 18 through line 20, and insert in lieu thereof the following:

amended—

(1) by striking out subsection (a) and subsection (b) thereof, and by striking out the section designation preceding subsection (a);

(2) by redesignating subsection (c) through subsection (g) as subsection (a) through subsection (e), respectively; and

(3) by inserting "SEC. 228." before subsection (a), as so redesignated in paragraph (2).

Page 26, line 21, strike out "Section 228(f)" and insert in lieu thereof "Section 228(e)".

Page 37, line 9 strike out "Section 228(f)" and insert in lieu thereof "Section 228(e)".

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Mr. COLEMAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COLEMAN. Mr. Chairman, I rise to offer an amendment to correct a serious problem which has arisen recently regarding a provision in the Juvenile Justice and Delinquency Prevention Act. Specifically, I refer to section 228(a) of the act, which recently has been interpreted by an administrative law judge to entitle current fund recipients to future funding. The language of this provision reads as follows:

In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

A lawsuit was brought against LEAA under section 228(a) when the agency decided not to continue funding a project. The court's decision held that absent a negative evaluation report that LEAA had to continue funding the program.

I do not believe Congress intended the Juvenile Justice Act to be an entitlement program. I am certain that the Budget Committee does not consider Juvenile Justice to be an entitlement program.

The significance of the decision of the administrative law judge, and of the subsequent announcement of the LEAA that henceforth they would pursue a "continuation funding policy," is to fundamentally alter the nature of the Juvenile Justice grant program. Under the current interpretation of section 228(a), a program that has begun receiving Federal funds is to continue receiving them unless an adverse evaluation report is filed against the project. This interpretation relieves projects of the burden of proving the worth of their projects when they reapply for Federal funding. Such an interpretation also ties the hands of LEAA in funding new projects, which may be far more innovative than any project which is currently receiving funds.

To clarify the nature of the program, I am offering an amendment striking section 228(a) from the act. This change makes it clear that the funding policy of the act is not a continuation funding policy. The eligibility for refunding of projects currently receiving funds is not affected by the striking of section 228 (a). The applications of these projects would simply be considered on the same basis as other applications from projects not currently receiving funds.

My amendment will return much needed flexibility and clarity to the Juvenile Justice and Delinquency Prevention Act. I hope my colleagues will join me in making this clarifying change in the act.

Mr. SIMON. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Illinois.

Mr. SIMON. I thank the gentleman for yielding.

I would simply commend the gentleman and agree completely with the amendment both from the viewpoint of the Budget Committee and from the viewpoint of the authorizing committee.

The court's decision is certainly not

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following the intent of Congress. I think the gentleman's amendment clarifies that. I certainly hope the amendment will be adopted.

Mr. COLEMAN. I thank the gentleman.

I yield back the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. COLEMAN).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to the bill?

AMENDMENT OFFERED BY MR. ASHBROOK

Mr. ASHBROOK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ASHBROOK: Page 22, beginning on line 6, strike out "is amended" and all that follows through line 8, and insert in lieu thereof the following:

is amended—

(A) by inserting "or offenses which do not constitute violations of valid court orders" after "adult"; and

(B) by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

Mr. ASHBROOK. Mr. Chairman, my amendment would preserve the traditional right of our Nation's courts to enforce their own validly drawn court orders, a power now denied them under certain aspects of the Juvenile Justice and Delinquency Prevention Act. This act has made it virtually impossible for juvenile courts to deal with chronic status offenders by denying the court its traditional discretionary power to enforce valid court orders involving these youth. Under current law, the court can remand a runaway person to a half-way house, or similar institution, and order the youth to stay put, but then be totally, powerless to do anything when the youth runs out the back door. This allows young people to continually flout the will of the court, which not only breeds contempt and disrespect for the courts, but only makes helping that young person much more difficult.

In my view it is absurd for the Federal Government to take the position that children, at any age, should have the right to run away from home, skip school, or refuse to obey reasonable parental directions without anyone having the power to stop it.

Recently, Judge Patrick R. Tamilia of the court of common pleas in Pittsburgh made a case for the need for court discretion in his opinion entitled: "In Re: Gladys Hall," which dealt with a case involving four status offenders. I am submitting for the RECORD a verbatim extract from this opinion describing the problem of one of these states offenders known as Theresa S., which is self explanatory:

THE CASE OF THERESA S., AGE 17

Theresa is a dependent child who was abandoned by her mother and has been in placement since 1962. She is now 17 years old.

On November 15, 1976, the court had given permission to CYS (the Community Youth Service—ed.) to explore alternative placement planning for Terry because she was having difficulty with her placement at Lutheran Children's Home. As a result of this direction, Terry had a pre-placement visit at the Beaver County Children's Home on November 27, 1978, and was subsequently placed there on December 4, 1978. She continued to have difficulty, similar in nature to that experienced in her previous placement at Lutheran Children's Home. The problems were related to her inability to accept responsibility and her inability to interact with her peers beyond a superficial level. She had multiple runaway episodes and after one of the runaways from Beaver County Children's Home she was discharged on January 9, 1979. At this time Lutheran Children's Home was willing to accept her back into the program because they felt that they had been making progress with her regarding her problems.

The CYS worker, Mr. Knox, contacted all the people involved in Terry's case in an attempt to locate her. Her maternal grandmother, Mary Jane Sparbanie, stated that she had sporadic contacts with the child, and believed that she was residing on Perrysville Avenue on the North Side. She was apprehended and brought to the Court. At a hearing on January 10, 1979, the case was continued until February 7, 1979 to explore further placement. At the hearing on February 7, 1979, Theresa absolutely refused to cooperate with any placement plan, she refused to return to the Lutheran Children's Home, and she also refused to go to the McIntyre Shelter, which is an open facility for children awaiting placement. Because of her intransigence and refusal to obey the direct order of Court, and her stated intention to run no matter where she was placed by the Court, the Court directed that she be committed to the Detention Home and that a delinquent petition filed charging her with direct contempt.

Pursuant to the Court's order a petition was filed on February 8, 1979, charging that the child was placed in Lutheran Children's Home in Zelienople in June, 1978, discharged, and then placed at Beaver County Children's Home on December 4, 1978, from which she absconded on January 8, 1979, and was then brought to the Detention Center on February 7, 1979 charged with direct refusal to cooperate with the Court Order returning her to Lutheran Children's Home.

Although on February 7, 1979, the grandmother indicated she could care for Theresa, she admitted that during the two weeks period that Theresa stayed with her after running from Lutheran Children's Home, the girl had been away most of the time, she knew not where she was and on one occasion the girl had called her from Erie, Pa., saying that she was staying with friends. It was due to the grandmother's severe health and emotional problems that Theresa and her sister were placed in 1967.

At the hearing on February 15, 1979, on the delinquency petition, an extended dialogue occurred in which an attempt was made to convince Terry that she needed to cooperate with the court and that rather than placing her in an institution we were attempting to obtain placement for her in an independent living situation which would permit her to work and live in an apartment under supervision until she was stabilized and able to take care of herself without supervision. Theresa is an epileptic child and is under heavy medication, and as a vagabond when she is on runaway, has never been employed. She has never shown an ability to maintain herself and it was considered essential that she have an opportunity under supervision to obtain education or training to prepare her for emancipation. The grandmother at this time agreed that she was unable to take care of Theresa as she could not keep up with the girl. It was quite evident that the grandmother had never been a sufficiently stable and competent parent for any of the children during the many years the court was involved with her case and the case of her children and grandchildren.

After a great deal of discussion the court finally persuaded Terry to go to Shelter rather than to be in the detention home pending placement plans. Terry also agreed that she would not run away and that she would cooperate in attempting to get a proper placement for her. Theresa was transferred to Shelter pursuant to court order, but within two days she again ran and as of this writing, her whereabouts are unknown. An attachment was issued for her to have her returned to the Detention Home on March 13, 1979, and on April 3, 1979, further disposition on the case was deferred until July 17, 1979 to locate the child.

Obviously, there is a need to give the courts some authority to deal with a situation such as this.

My amendment provides this discretion by amending section 223(a)(12)(A) of the act to enable juvenile courts to place status and nonoffenders in secure detention and correctional facilities if they are found to be in violation of a valid court order. As I have noted, this language would provide the courts with the needed flexibility to respond to youth who chronically refuse voluntary treatment, but at the same time it is carefully drawn to assure the continued protection of the basic rights of these youths.

First, the respective court must issue a "valid order." This means that any such order must, first, be given a court of competent jurisdiction; second, involve a judiciable controversy where the legal rights of the parties need to be resolved by the court; third, that the court must enter a judgment and/or remedy in accord with established legal principles based on the facts after a hearing which observes proper procedure; and fourth, where the court has the statutory power to act.

These rights are further protected by the requirement that these youth receive their due process rights, which were specifically enumerated by the Supreme Court in re Gault as follows:

(i) the right to have the charges against the juvenile in writing, served upon him a reasonable time before the hearing;

(ii) the right to a hearing before a court;

(iii) the right to an explanation of the nature and consequences of the proceedings;

(iv) the right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(v) the right to confront witnesses;

(vi) the right to present witnesses;

(vii) the right to have a transcript or record of the proceedings; and

(viii) the right of appeal to an appropriate court.

The danger of not enacting this provision would be to augment the growing trend to make violations of court orders a criminal offense and thus subject the youth immediately to incarceration. At the same time prosecutors are submitting increasingly stiff charges in an effort to place the "status offender" into a more serious category and thus subject to more severe remedies.

Current law is a perfect example of a cure worse than the disease. To continue denying courts their traditional powers will only make resolving the problems of status offenders that much more difficult.

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I believe this House must support our juvenile judges in their efforts to help status offenders by restoring their legitimate power to deal with them. This amendment, which has been unanimously approved by the bipartisan National Council of Juvenile and Family Court Judges, deserves support from any Member of the House concerned with the integrity of our Nation's courts and the needs of troubled young people.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment.

I would like to point out that this amendment is not directed at youth who have committed criminal acts, rather it is intended to permit the incarceration of children known as status offenders. By definition, status offenders are children whose actions would not be criminal if committed by an adult. Status offenders are children with social and adjustment problems including incorrigibility, waywardness, and those who run away or are truant. Also included in this category are nonoffenders such as dependent and neglected children.

The purpose of the Juvenile Justice and Delinquency Prevention Act is to prevent and reduce the occurrence of juvenile delinquency. Since its enactment in 1974, the cornerstone of this legislation has been the requirement that States which voluntarily participate in the program agree to remove from secure detention and correctional facilities, those juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, as well as dependent and neglected children. For 6 years this has been the law and during this time the annual increase in juvenile crime has dropped from 15 to 1 percent. The fact that only seven of the eligible jurisdictions have chosen not to participate in this voluntary program indicates the value of alternatives for helping to prevent juvenile delinquency.

The Congress prohibited the secure confinement of status offenders in light of the overwhelming evidence that placing nonoffender children with delinquent youth does not address the child's problems, and instead, significantly increases the likelihood that the child will commit a criminal act in the future.

However, in spite of this fact, the proposed amendment would permit status offenders to be placed in the one setting where they will not receive needed treatment and where they will come in contact with serious offenders who can provide them with vocational training in such skills as prostitution, narcotics peddling, and other criminal activities. For status-offenders, secure lockup facilities can truly be called schools for crime.

The Juvenile Justice and Delinquency Prevention Act provides financial assistance to enhance prevention and treatment programs designed to meet the specific needs of noncriminal youth in participating States. Alternatives already available to judges for these youth include foster care, shelter-care homes, group homes, day treatment, home probation, and other designated community-based, diagnostic, treatment, or rehabilitation services.

H.R. 6704 does not ignore the fact that chronic status offenders deserve special attention. Title III of this legislation authorizes funding for demonstration projects to develop special programs to assist with chronic runaways, including those who run from treatment facilities where they have been placed by the court.

Judges should use their expertise and knowledge to provide placements and treatments that will help a child overcome his or her problems and prevent that child from advancing from noncriminal to criminal activities. Incarceration is difficult to justify as either a treatment or a punishment. Status offenders rarely receive counseling that meets their specific emotional and mental health needs while institutionalized. Indeed, secure incarceration masquerading as rehabilitation serves only to increase our already critical crime rate by providing new students for what have become institutionalized schools for crime. If status offenders are incarcerated for punishment purposes, institutionalization punishes the less serious offender more than the criminal offender.

The availability of alternatives as provided under H.R. 6704 greatly enhance the options available to juvenile court judges for rehabilitation without the harmful stigmatization that can accompany contact with the criminal justice system. The fact that a youth runs away from a treatment facility, rather than demonstrating any intentional affront to the court's authority, is merely symptomatic of the very problems for which shelter care was originally provided.

If adopted, this amendment would permit us to lapse back to the lazy method of confinement rather than trying to deal with a child's problems in a positive manner. I do not believe my colleagues in the House of Representatives wish to change a law that has been in existence since 1974 to allow court orders which provide criminal sanctions for noncriminal activities. Such court orders are particularly troublesome because status offenders do not enjoy many of the due process guarantees and protections that are afforded to delinquents.

The evidence which lead the Congress to enact the original deinstitutionalization provisions of the Juvenile Justice and Delinquency Prevention Act are as compelling today as they were in 1974.

I urge my colleagues to defeat this amendment.

Mr. ASHBROOK. Mr. Chairman, will my colleague yield?

Mr. KILDEE. I would be glad to yield to the gentleman from Ohio.

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

(At the request of Mr. ASHBROOK, and by unanimous consent, Mr. KILDEE was allowed to proceed for 2 additional minutes.)

Mr. KILDEE. I yield.

Mr. ASHBROOK. Mr. Chairman, I thank my friend, who is a very able legislator and a very compassionate person, but I think we are talking about situations where our young people can actually flaunt the will of a court. I am thinking of a couple hypotheticals. If we have a truant, an Ohio youth who has been a traditional runaway, a repeat offender who has had court problems and goes to California where he is apprehended, would the gentleman tell me if it is possible for a court in California to hold that youth for either his parents or under a valid order of a court in my State of Ohio?

It is my understanding that unless we have an amendment of this kind, it is difficult or almost impossible for a court to hold that runaway in a secure facility until the parent shows up or the Ohio court can take some action.

Mr. KILDEE. I would be glad to respond to the gentleman from Ohio.

First of all, very often those children stay on the street, stay out of town, stay in California for fear that if they return they will be incarcerated, which could happen under the gentleman's amendment.

My juvenile justice judges in my jurisdiction are opposed to the amendment. They have told me that the present law has required them to use their ingenuity and they find no problem with the present law. They recognize that it is easier to lock someone up, but they have been required to use their ingenuity. Very often the threat of incarceration really will keep that person on the street or out of town or out of the State. Very often, to very complex problems, there can appear to be a simple solution; but my judges have a very good program in my jurisdiction and they disagree with this amendment.

Mr. ASHBROOK. Well, if my colleague will yield further, I appreciate his response but he did not answer my question. If the runaway goes to the gentleman's jurisdiction, what ingenious way are we talking about that they can hold the youth until the parents show up?

Mr. KILDEE. In other States?

Mr. ASHBROOK. Yes. California, as I gave in my original hypothetical or your State, Michigan.

Mr. KILDEE. They can hold them for 24 hours in a secure facility without being a violation of this law, I am told by counsel.

Mr. ASHBROOK. Are you sure the youth can be held 24 hours without there being any violation of law?

Mr. KILDEE. Yes. I am advised by counsel that is the case under this law.

Mr. ASHBROOK. That is not my understanding.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I would hope that the Committee and the House when it gets a chance to vote on this amendment would vote in opposition to the amendment. I think

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the gentleman from Michigan (Mr. KILDEE) has properly typified the amendment as a step backward.

I had an opportunity when I was in law school to spend some time working in a crisis clinic in a county hospital out in California and had the opportunity to interview a number of young people who were picked up on the streets, who were brought to the county hospital for evaluation, who were picked up for various activities. These people had run away from home. They were status offenders. They had not shown up at school. They had not stayed home.

Many times when you investigated the background of these young people, you found out that they had made, in fact, a logical choice. They had made a choice to run away from an absolutely intolerable situation where they were being beaten, where they were being molested, or perhaps they had alcoholic parents who were beating one another up, and these children made a determination to leave.

Now, the court can, under this amendment, throw them into jail if they do not return home, because some judge told them to go home; but the judge may not understand that, in fact, that living situation is intolerable and the fact that a young person runs away from home or runs away from school, it would seem to me, is a matter for the family to try to deal with, not the Federal Government by imposing, in fact, the incarceration of these young people in a closed facility.

Now, they leave time and again, but I suggest to you as one who has just completed a major reform of the foster care system in this country, that many of these young people, in fact, leave foster homes where they are being exploited, where they are being beaten, where they are being sexually molested, where alcoholism is present, and they are deciding that it does not make sense for a 17-year-old or a 15-year-old to remain and they leave.

Now we want to tell them that if they do not go back, as the gentleman from Ohio suggested, that they are going to be locked up. Where are they going to be locked up? They are going to be locked up with some of the worst elements of the young society in this country, people who have already become criminals.

Now, it is nice to believe that somehow the judge or the county system will be able to segregate these young people from the others; but I know the situation in my local area. I know the situation in California. We do not have those facilities. They are overtaxed as it is; so these people are going to be out in the juvenile hall with people who are there because of drug peddling, people who are there because of prostitution, people who are there because of robbery or brutality against another citizen, and we are going to take a person who has severe family problems, severe personal problems, and we are going to put them with the criminal. I do not think that is what we want to do.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I would be glad to yield to the gentleman from Illinois.

Mr. RAILSBACK. I could not agree more with the statement that the gentleman has just made. If we adopt the amendment, as well intentioned as it is, and I believe it is well intentioned, we are really not seeking to develop any kind of a more rational alternative. As the gentleman pointed out, we may have kids that are running away because they have suffered all kinds of harassment or assaults or beatings at home. What a mistake it would be to then say no, we are going to be able to put you in jail with some kid that has committed a very serious offense that may give this so-called status offender a lesson in crime. I could not agree with the gentleman more.

Also, I want to point out that under the bill, as I understand it, there is a provision for some demonstration projects that, hopefully, will come up with some more useful alternatives.

The amendment before us would permit the placement of noncriminal juveniles in secure facilities for violation of a valid court order. If this amendment is approved, a child could be incarcerated for truancy, running away, or simply failing to obey his parents.

In 1974 I strongly supported what I considered to be the focal point of the Juvenile Justice Act and differentiated that act from previous legislative efforts relating to juvenile justice. This important provision, contained in section 223 (a)(12), requires that participating States remove all juveniles who have committed offenses that would not be criminal if committed by an adult—that is, status offenders—and nonoffenders such as dependent or neglected children, from secure detention or secure correctional facilities. The Office of Juvenile Justice and Delinquency Prevention reports that in fiscal year 1979 33 States and territories demonstrated substantial compliance with the deinstitutionalization mandate, and an additional 13 States showed significant progress toward substantial compliance. I felt in 1974, and continue to feel, that attainment of that national goal is important to the juvenile justice system.

In my view, the young status offender should not be subjected to incarceration with juveniles who have been charged with or who have actually committed offenses. Indications are that status offenders incarcerated with juvenile offends are more susceptible to future encounters with the juvenile justice system and become more likely to commit a serious offense. These secure facilities frequently become "schools of crime" and help to teach criminal patterns of behavior. Furthermore, contact with the juvenile facility serves to label young people as "troublemakers" or "problems," a stigma which they may not be able to overcome. I feel that we should continue to try to achieve the more positive goals of deinstitutionalization of status offenders or nonoffenders.

I recognize that chronic status offenders pose a special problem for juvenile court judges but feel that the alternatives such as community-based treatment, diversion of offenders from the juvenile courts and institutions, and programs to keep potential dropouts in school are far preferable and much more likely to yield positive behavior changes. By requiring the deinstitutionalization of status offenders, these youths will be direct to those agencies most capable of dealing with their human and social needs.

H.R. 6704 addresses the issue of the chronic status offender by authorizing funding for demonstration projects to develop special programs to assist with chronic runaways, including those who repeatedly attempt to leave treatment facilities where they have been placed by the court. The vast majority of status offenders are not in the "noncontrollable" category and should not be under the constant threat of incarceration.

In conclusion, I believe that if we want to prevent the development of criminal careers, we must remove status offenders from secure facilities. This amendment would effectively undermine the purposes of the 1974 Juvenile Justice Act and would help to negate the progress which we have made in the area of juvenile justice. Therefore, I urge you to join with me in opposing this amendment.

□ 1130

Mr. MILLER of California. Mr. Chairman, I just want to say that it also occurs that there are a number of young people who do not go to school and they do not go to school for a reason. They are absolutely in fear of showing up at that facility because they are constantly exploited, they are beaten on a daily basis, their lunch money is taken from them. So they quit going. So they are picked up and they are truants. The courts get involved and because they do not want to go to school they are told that they are then in violation and now we can lock them up.

We have just had a colloquy here on school violence. The gentleman knows one does not have to go too far down the street to run into it.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has expired.

(By unanimous consent Mr. MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. I think we have to understand that many of these young people are then placed, if the gentleman's amendment is passed, are placed in the intolerable situation of they can either go back to intolerable living situations, either in their family, in a foster home, at the school, or they are going to jail. I suggest that that does not lead to rehabilitation, that does not lead to the solving of the problem. So why do we not just keep the long arm of the Federal Government out of these people's lives? Why do we not require the courts to become more creative, that the courts understand the underlying problems, the underlying problems these young children are fleeing from?

I would have much more sympathy for the amendment if it said, in fact, they could hold the young person for 24 hours,

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72 hours, or what-have-you, until the parents can come and get them. What the gentleman will find out in many instances is that they can hold the children and no parents are going to show up to get them. But the LAPD has trouble with them because they are on the street and because they are young. But nobody is coming from Ohio to claim them because they do not want their kids. That is a very brutal side of our lives in this country but, in fact, it is true.

So that child gets locked up. I think we are really failing to deal with the situation, failing to allow the good parts of this act to be brought into effect to try to help these young people and help their families. The gentleman is being very arbitrary because this is really a very good amendment for a lazy judge. All that he has to do is lock the child up and somehow that threat is going to turn around years of problems these young people have.

Mr. ASHBROOK. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. ASHBROOK. My colleague paints an interesting and, I would say, in many instances a novel picture. First of all, my friend indicated he wanted to keep the long arm of the Federal Government out of these situations. It is precisely the long arm of the Government in the form of our 1974 enactment that has forced the local judges into the position they now find themselves. I am merely trying to amend the law so we return to the proper position where judges can make a valid court order mean something.

My colleague has not addressed the situation on how he feels we enhance justice in this country by allowing young people to flaunt a valid order of a court. How does the gentleman address that particular problem? That is what I am talking about. I am talking about the chronic offender.

Mr. MILLER of California. But they have committed no crime.

What the gentleman is doing here is escalating that activity, which is not currently a crime, and making it in fact, at least making the penalty very similar to a crime. Not everything individuals do in the nature of personal freedom today is a crime.

Mr. ASHBROOK. If my colleague will yield further, my colleague is again advocating a very novel idea, that violating a valid order of a court is not a crime. There are many Americans who would find that rather interesting. If an adult violates a valid court order, would you suggest a judge can do nothing? You must be kidding.

Mr. MILLER of California. That is not it at all. The question is the gentleman is dealing with a young person who is engaged in an activity that if that person were an adult, which in some States may be 18, may be 21, it would not be a crime. Why are we making it a crime for this person?

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has again expired.

(At the request of Mr. ASHBROOK and by unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. I yield to the gentleman from Ohio.

Mr. ASHBROOK. If my colleague will yield further, you miss the entire point. For you as an adult or for me to violate a valid order of a court, does the gentleman not think that it would subject me to some penalty?

Mr. MILLER of California. What is the underlying order of that court? The underlying order of that court is related to the gentleman's behavior which is, in fact, not a crime. What the gentleman is doing is bootstrapping. This is what is called Federal bootstrapping. The gentleman would be bootstrapping an innocent individual into a situation where they became a criminal. I do not think that is what the gentleman wants to do to young people.

Mr. ASHBROOK. I also think we do not want to place young people in the position where they can flaunt a valid order of a court. You allow the opposite of bootstrapping, you would let the young offender go on his merry way by incapacitating the judge to act in these circumstances.

Mr. MILLER of California. What would the gentleman do as an adult if the court order was to send the gentleman back to his home where he was beaten on a regular basis? What would my colleague do as an adult?

Mr. ASHBROOK. Are you saying the juvenile cannot bring those facts before a judge? Are you saying that judges are so callous that they never side with the juvenile? That has not been my experience nor do I believe it is the experience of the majority of legislators who will vote on this issue.

Mr. MILLER of California. What would the gentleman do if he were 15 years old, a child, and were sent back to his father, who may be my size, who is beating him on a regular basis? Maybe the gentleman would be afraid to tell the judge why he left home for the fear that he was about to be sent back to that home and would be beaten or killed. What would the gentleman do as a 14-, 15-, or 16-year-old child?

Mr. ASHBROOK. My friend has advocated getting the Federal Government into the home in domestic matters where there is wife abuse. What is the next step?

Mr. MILLER of California. No. No. No. I will not have my position characterized in that fashion.

I am an advocate of helping the victims who have left home and who are out on the streets, providing services, not getting into the home. The police go into the homes and they get shot. I will wait until the person comes out of the home.

Mr. ASHBROOK. I would ask my colleague where is his concern for the victims of juvenile crimes.

Mr. MILLER of California. These are not criminals. These are people who have no shelter. These are people who are wandering around the streets. These are people who cannot go home. If they commit a crime, we have a whole body of law to deal with them, and they can be locked up forever. We are not talking about that.

I want the gentleman to answer the question: What would he do as a young person who is put into the position of the court telling him to go back to his home where he is beaten on a regular basis? It happens every day in this country.

The CHAIRMAN. The time of the gentleman from California (Mr. MILLER) has again expired.

(By unanimous consent, Mr. MILLER of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. I yield to the gentleman.

Mr. ASHBROOK. I would not flaunt the will of the court. Also, tell the victims of juvenile crime they have not been raped, mugged, or assaulted by a criminal.

Mr. MILLER of California. You would not flaunt the will of the court? The child cannot go back home, I would say to the gentleman, and that is the problem. The gentleman knows the incidence of child abuse in this country. The gentleman knows the number of children who leave those homes. The gentleman is saying to them that if they do not return to that situation, if they do not return to a situation where they may be killed, because they also know we see a lot of them in the morning where they may be killed, then they have to go to jail. That is not flaunting the will of the court. That is embracing an arbitrary court and a lazy judge who does not want to recognize what is going on.

The gentleman would be pitting some 14-year-old youngster against his family and having him speak up and say, "My father beats me," or some young girl saying, "My father sexually molests me, I cannot go home." That is what the gentleman is asking to be done, because if they do not, they can go to jail and then be beaten, they can go to jail and then be sexually molested if the gentleman's amendment is passed. The gentleman's amendment ought to be rejected for that reason.

Mr. ASHBROOK. Again my colleague advocates the very novel idea that a 14-year-old has judgment superior to the judge of the court. I think that is extreme.

Mr. MILLER of California. The gentleman has not answered the question of what would he do in that situation. I would ask the gentleman: What would you do? Would the gentleman just go home and let his father beat him and stay there until 18 or 21 years of age so he could leave home? Is that what the gentleman would do?

Mr. ASHBROOK. My colleague has indicated in the debate that in every case a court is going to throw them in jail. He knows that is not so.

Mr. MILLER of California. No. No. We only have to do it in one or two cases.

Mr. ASHBROOK. The judge should have that option. That is what I am talking about. That is what my amendment would do.

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Mr. MILLER of California. We only have to do it in a few cases where we end up with a few children that are battered and beaten again. The gentleman knows the statistics and the number of homes in which this takes place.

Mr. ASHBROOK. Yes, and we only have to let a few youthful offenders flaunt the law and others will know that they can get by with it, and that will encauses where the youth are not battered or beaten.

Mr. MILLER of California. Can the judge not find them in contempt of court? I would ask the gentleman that. Does not the judge have the power to find these people in contempt of court? The whole point of the amendment is that is the body of law that is on the books.

Mr. ASHBROOK. That is exactly what I am talking about, a court order. You make my point. A valid court order is a prerequisite to what you call a contempt citation. You should vote for my amendment.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

(Mr. COLEMAN asked and was given permission to revise and extend his remarks.)

Mr. COLEMAN. Mr. Chairman, I think we have a real dilemma and it is not really as simple as some of the advocates have made it sound so far.

First, of all, the amendment, as proposed, I think would be rarely used as far as a juvenile judge would go.

□ 1140

First of all, it could never be used where the juvenile is a first offender. It is only after he has gone through the process with the juvenile court and the juvenile court has instructed this juvenile to take counseling or to attend school or to do some act. The juvenile has not committed a crime up to this point; he simply has not gone to school. That is not a crime.

The fact of the matter is, however, at some point there has to be some final determination and authority vested in our court system, and our court system has to back up its orders in some way.

The gentleman from California (Mr. MILLER) has indicated that he does not understand that a person can go into civil court, who has never committed a crime, and be ordered by a judge to perform some thing, and this some thing may be to pay his wife alimony. It may be to pay child support. It may be to do good deeds on the weekend. It may be to attend school. The fact of the matter is, however, if you violate that court order based upon a civil wrong, you have then committee a crime. The crime is the commission of the violation of the court order. It is separate from the original jurisdiction of the court as to why the person is in court. If we do not ever back up our court orders with a contempt-of-court citation, there is not any judge in this country, juvenile or adult, who would ever have any final bottom line authority. That is the purpose of this amendment, to give final bottom line authority.

You have given the juvenile the opportunity to go to school or to attend counseling. He has refused. The judge has taken an extensive record. He has called in the parents, he has called in the school officials, he has called in the juvenile officer, he has called in the social worker. He has before him a full record of what this juvenile's problems are.

I suggest that any judge who would require a juvenile to return home as has been discussed here by Mr. MILLER obviously is not performing justice and should be removed from the bench. But the fact of the matter is we have gotten hundreds of thousands of youths who, if this amendment is not passed, can simply thumb their noses at the judge and know that nothing—absolutely nothing—will happen to them. We need to have a contempt-of-court citation in the civil law. This is basic to our jurisprudence in this country. It is beyond me that we can even discuss it and debate this on the floor of the House of Representatives. It is as clear as the air we breathe. This has always been part of our court system. It is not anything different from what has been here for hundreds of years in this country. All we are saying is that a juvenile judge, under the law, will have this authority. Certainly he will have all the record before him to make this decision. We hope that all judges, everywhere, make right decisions. We hope all Congressmen everywhere make right decisions. If they do not, there is nothing we can do about it. We just hope that they can.

I think it is a very fair amendment, frankly, and one which the judges require and need to have as a backup.

Mr. KILDEE. Mr. Chairman, will the gentleman yield to me?

Mr. COLEMAN. Mr. Chairman, I yield to the gentleman.

Mr. KILDEE. My district contains Genesee County which is a very microcosmic county. It has a large city with minorities. It has suburbs; it has a farm area. My juvenile justices feel they have been required to use their ingenuity under the 1974 act. They find no problem with that.

Mr. COLEMAN. Let me ask a rhetorical question: What does the judge do with ingenuity when the child comes in and says, "Judge, take a ride. I know what the law is. You cannot do a darned thing to me"? Do you know what? The judge knows the law. He cannot do anything to him. I do not know if there is any ingenuity involved with it. I think it is who is running our court system, the people in front of it or the people who have been empowered by the people—the judges.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAILSBACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Very briefly, I just want to make the point that as I understand it, under section 15(b) the committee provided for supplemental grants to runaway centers which are developing in cooperation with the local juvenile court and social service agencies, the personnel, the model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as a result of an adjudication.

My feeling is that in the absence of coming up with alternatives, we make a mistake by taking this rather serious step of saying yes, the court in the case of a habitual runaway does have the right to put that child in with somebody who has committed a serious offense. I, for one, believe that the committee has addressed the problem. I think we want to reemphasize to the Secretary the importance of trying to develop useful alternatives; but I do think we make a mistake by adopting the amendment.

I hope we defeat the amendment.

Mr. ASHBROOK. Mr. Chairman, I rise in support of the amendment.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. ASHBROOK. Mr. Chairman, I take this time because I think my friend, the gentleman from Michigan (Mr. KILDEE) put in the record something at least in my opinion is not accurate. I posed the question of a recurring offender, a truant, a repeater youth who had been in trouble going to California; and I asked him how that youth could be incarcerated or held in a secure facility while a parent came to pick that youth up. My friend, the gentleman from California (Mr. MILLER) says the parent does not want to come. That may be. But do not be diverted by that scenario. I am talking about a situation where the parent wants to come. Will the gentleman tell me, under law how the judge in California can hold the Ohio youth until the parent gets there?

Mr. KILDEE. If the gentleman will yield, it is in the rules and regulations. The de minimis rule for holding for a short period of time is in the rules and regulations. That rule and regulation, I would say to the gentleman from Ohio (Mr. ASHBROOK), is based upon the committee reports of 1974 and 1977 and also the conference reports. The rules and regulations are not just something dreamed up by someone over in the agency. They find their genesis in the committee reports of the Congress in 1974 and 1977.

Mr. ASHBROOK. Well, we have established it is not in the law. I did not think so. Does the gentleman have the rule and regulation so we can see it?

Mr. KILDEE. If the gentleman will yield, the rule and regulation is in place. The counsel assures me that that is the rule at the present time. The genesis, the roots for that rule are the committee reports—reports from this body, the U.S. Congress. The agency is not using its own ingenuity or initiative. It derives that regulation from the reports from the Congress.

Mr. ASHBROOK. It is the statement of the gentleman to his colleagues in support of this bill that a judge in Califor-

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nia has the tool of a valid rule and regulation that he can implement to hold an Ohio youth who is not a first offender, a truant, a repeat offender, in a secure facility?

Mr. KILDEE. That is what the counsel advises me; yes.

Mr. ASHBROOK. I would simply say that is not my understanding. That is not what my judges are telling me.

I would say even if that were the case, my colleague is taking the unique position of allowing bureaucrats to determine what the law is and—worse, what the law should be. I do not think that has merit. I would say to my colleague from Illinois—for whom I have great respect as one of the senior members of the Judiciary Committee—I do not really think holding out pilot projects that sometime, someplace in the future these pilot projects might bring about a change is a positive way to address a very serious problem is an answer either. It would be a little bit like meeting a thief at the door and my friend, the gentleman from Illinois, showing the would-be felon the Kerner report and saying "Do not commit a crime; look at what crime leads to." Nice theory but it will not deter crime. What my colleagues who oppose this amendment are advocating is to remove from the juvenile judges the basic authority a court must have.

I do not think in the real world when you are talking about the necessity of judges having the option to incarcerate or to hold in a secure facility a youth, that talking about what can be done down the road under a pilot project or some vague rule which we do not even have here on the floor, which we have only been assured by counsel is actually valid—is really the way to legislate. What we are talking about is giving a judge a legitimate, proper option he should have.

My friend, the gentleman from California (Mr. MILLER) kept referring to a judge throwing a youth in jail as if that would be done in every situation. We are not talking about a judge throwing a youth in jail. We are talking about a judge having an option to do that. He should have that option. As my colleague, the distinguished subcommitee ranking minority member has so ably indicated, in the overwhelming majority of cases this would not happen. However to remove that option from the judge, to allow a youth to flaunt a valid order of a court, and then say we are not going to do anything about it, I think is just plain irresponsible.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. ASHBROOK. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding. I guess what really disturbs me more than anything is that we are talking really about young people who are runaways. They are truants. They have not committed a serious criminal offense. What bothers me is the gentleman's alternative, in other words. I recognize that we have a dilemma. I think the gentleman made the point very well that we have to try to find alternatives, but as an alternative for somebody who may be a runaway for good reason to get away from a parent who may be kicking or, in other words, beating him up—I think that we have to do something other than to say, no, you are going to have to go into that jail, even though there may be kids who have committed very serious offenses who may give that truant a lesson in a crime.

□ 1150

That is what we are worried about.

Mr. ASHBROOK. What we are talking about is basic. Yes; we are talking about a difficult situation. But as an answer to that, are you saying that the court should have only limited jurisdiction and powers? That the court should not have the ability in an individual case to issue an order and do what a court should and must do, have the ability to enforce that order? Is that what you are saying? Are you going to say to the juvenile judge, "Because it is a difficult situation, we wash our hands and leave you hanging." I do not want to say that and I believe most Members do not want to either.

Mr. RAILSBACK. If the gentleman will yield, we really should not be saying that. What we ought to be doing is addressing, which I believe the committee is trying to do by trying to find some really rational, constructive alternatives.

Despite my respect for the gentleman—and as I said, I think it is a well intentioned amendment—I think the gentleman is taking the worst of all possible options. That is my problem.

Mr. ASHBROOK. I would say what my colleague, the gentleman from Michigan, said was the worst of all possible options. He said judges are using ingenious ways to get around what he admits is a dilemma caused by this Congress. Think about that. Think of the implication of that. In a way, "insenious" is a euphemism for extra-legal ways. Most of us do not like courts to use extra-legal ways to solve a problem. Most judges do not want to be circuitous. We should give them the proper legal option to directly discharge their responsibilities, which this amendment would do, and I urge my colleagues to support it. Liberals normally would attack the judiciary for using indirect, impromptu or ingenious means to detain a citizen. I am shocked that such a course of action would be heralded as an answer, particularly where juveniles are concerned.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. ASHBROOK).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ASHBROOK. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 239, noes 123, not voting 70, as follows:

[Roll No. 668]

AYES—239

Abdnor	Fuqua	Moorhead, Calif.
Addabbo	Gaydos	Mottl
Alexander	Gephardt	Murphy, Ill.
Andrews, N.C.	Gibbons	Murtha
Andrews, N.Dak.	Gingrich	Myers, Ind.
Annunzio	Glickman	Natcher
Anthony	Goldwater	Nelson
Applegate	Goodling	Nichols
Archer	Gore	Oakar
Ashbrook	Gradison	Panetta
Aspin	Gramm	Pashayan
Atkinson	Grassley	Patterson
Bafalis	Grisham	Pease
Bailey	Guarini	Perkins
Barnard	Gudger	Peyser
Bauman	Guyer	Pickle
Beard, Tenn.	Hagedorn	Preyer
Benjamin	Hall, Tex.	Pritchard
Bennett	Hamilton	Quayle
Bereuter	Hance	Quillen
Biaggi	Hanley	Ratchford
Boggs	Hansen	Regula
Boner	Heckler	Rinaldo
Bonker	Hefner	Ritter
Bouquard	Hightower	Roberts
Bowen	Hillis	Robinson
Breaux	Hinson	Rose
Brinkley	Holland	Rostenkowski
Broomfield	Holt	Rousselot
Broyhill	Hopkins	Royer
Butler	Horton	Rudd
Byron	Hubbard	Santini
Carney	Huckaby	Sawyer
Chappell	Hughes	Schulze
Cheney	Hutto	Sebelius
Clausen	Hyde	Sensenbrenner
Cleveland	Ichord	Sharp
Clinger	Ireland	Shelby
Coleman	Jacobs	Shuster
Collins, Tex.	Jeffries	Skelton
Conable	Jenkins	Smith, Iowa
Conte	Jones, N.C.	Smith, Nebr.
Corcoran	Jones, Tenn.	Snowe
Coughlin	Kasen	Snyder
Courter	Kindness	Solomon
Crane, Philip	Kramer	Spence
Daniel, Dan	Lagomarsino	St Germain
Daniel, R. W.	Latta	Staggers
Dannemeyer	Leach, Iowa	Stangeland
Daschle	Leach, La.	Stanton
Davis, S.C.	Leath, Tex.	Stenholm
de la Garza	Lee	Stockman
Derrick	Lent	Stratton
Devine	Levitas	Stump
Dickinson	Lewis	Symms
Dicks	Livingston	Taylor
Dorman	Lloyd	Thomas
Dougherty	Loeffler	Trible
Duncan, Tenn.	Lott	Ullman
Edwards, Ala.	Lujan	Vander Jagt
Edwards, Okla.	Luken	Volkmer
Emery	Lungren	Walgren
English	McClory	Walker
Erlenborn	McDade	Watkins
Ertel	McDonald	Whitley
Evans, Ga.	McEwen	Whittaker
Evans, Ind.	McKay	Whitten
Fary	Madigan	Wilson, Tex.
Fascell	Marks	Winn
Ferraro	Marlenee	Wright
Findley	Marriott	Wyatt
Fish	Martin	Wylie
Fithian	Mathis	Yatron
Flippo	Mavroules	Young, Alaska
Foley	Mica	Young, Fla.
Forsythe	Miller, Ohio	Young, Mo.
Fountain	Minish	Zablocki
Fowler	Mitchell, N.Y.	Zeferetti
Frenzel	Mollohan	
Frost	Montgomery	
	Moore	

NOES—123

Akaka	Brodhead	Dellums
Albosta	Buchanan	Derwinski
Anderson, Calif.	Burton, John	Dixon
AuCoin	Burton, Phillip	Downey
Baldus	Cavanaugh	Duncan, Oreg.
Barnes	Chisholm	Early
Bedell	Clay	Eckhardt
Beilenson	Coelho	Edgar
Bingham	Conyers	Edwards, Calif.
Boland	Corman	Erdahl
Bonior	D'Amours	Fazio
Brademas	Danielson	Fenwick
	Davis, Mich.	Fisher

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Ford, Tenn.	Lundine	Rosenthal
Giaimo	McHugh	Roth
Gilman	Maguire	Roybal
Gonzalez	Markey	Russo
Gray	Mateui	Sabo
Green	Mattox	Scheuer
Hall, Ohio	Mazzoli	Schroeder
Hammer-schmidt	Mikulski	Seiberling
Harkin	Miller, Calif.	Shannon
Harris	Mineta	Simon
Hawkins	Mitchell, Md.	Solarz
Hollenbeck	Moakley	Stack
Holtzman	Moorhead, Pa.	Stark
Howard	Murphy, Pa.	Stewart
Hutchinson	Nowak	Stokes
Jeffords	Oberstar	Studds
Johnson, Calif.	Obey	Synar
Jones, Okla.	Ottinger	Van Deerlin
Kastenmeier	Paul	Vanik
Kildee	Pepper	Vento
Kogovsek	Petri	Waxman
Kostmayer	Porter	Weaver
LaFalce	Price	Weiss
Lehman	Rahall	White
Leland	Railsback	Williams, Mont.
Long, La.	Rangel	Wirth
Long, Md.	Reuss	Wolpe
Lowry	Richmond	Yates
	Rodino	

NOT VOTING—70

Ambro	Donnelly	O'Brien
Anderson, Ill.	Drinan	Patten
Ashley	Evans, Del.	Pursell
Badham	Florio	Rhodes
Beard, R.I.	Ford, Mich.	Roe
Bethune	Garcia	Satterfield
Bevill	Ginn	Shumway
Blanchard	Harsha	Spellman
Bolling	Heftel	Steed
Brooks	Jenrette	Swift
Brown, Calif.	Johnson, Colo.	Tauke
Brown, Ohio	Kelly	Taylor
Burgener	Kemp	Thompson
Burlison	Lederer	Traxler
Campbell	McCloskey	Udall
Carr	McCormack	Wampler
Carter	McKinney	Whitehurst
Collins, Ill.	Michel	Williams, Ohio
Cotter	Moffett	Wilson, Bob
Crane, Daniel	Murphy, N.Y.	Wilson, C. H.
Crockett	Musto	Wolff
Deckard	Neal	Wydler
Dingell	Nedzi	
Dodd	Nolan	

□ 1200

The Clerk announced the following pairs:

On this vote:

Mr. Wampler for, with Mr. Florio against.

Mr. Taylor for, with Mr. Patten against.

Mr. Michel for, with Mr. Thompson against.

Mr. Campbell for, with Mr. Garcia against.

Mr. Burgener for, with Mr. Moffett against.

Mr. Badham for, with Mr. Ford of Michigan against.

Mr. Daniel B. Crane for, with Mr. Dingell against.

Mr. Ginn for, with Mr. Nedzi against.

Messrs. LONG of Maryland, AuCOIN, and WEAVER changed their votes from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1210

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GORE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6704) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such act, and for other purposes, pursuant to House Resolution 732, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ANDREWS of North Carolina. Mr. Speaker, pursuant to the provisions of House Resolution 732, I call up the Senate bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

The Clerk read the title of the Senate bill.

MOTION OFFERED BY MR. ANDREWS OF NORTH CAROLINA

Mr. ANDREWS of North Carolina. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. ANDREWS of North Carolina moves to strike out all after the enacting clause of the Senate bill, S. 2441, and to insert in lieu thereof the provisions of H.R. 6704, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by striking out "$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieu thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.".

PURPOSE

SEC. 4. (a) Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (6) thereof, by striking out "and" at the end thereof;

(2) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) to assist State and local governments in removing juveniles from jails and lockups for adults.".

(b) Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

SEC. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting special education," after "training,".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;".

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;".

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) the term 'secure correctional facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individ-

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uals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

"(14) the term 'serious crime' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and"

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f)(1), is amended—

(1) by inserting "special education," after "educational,"; and

(2) by striking out "and benefit the addict" and all that follows through ", and his" and inserting in lieu thereof ", including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and".

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "under the general authority of the Attorney General".

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out "direction of" and all that follows through "Administration" and inserting in lieu thereof "general authority of the Attorney General";

(2) in the second sentence thereof, by striking out ", subject to the direction of the Administrator,", and by inserting "prescribe regulations for," before "award";

(3) in the third sentence thereof—

(A) by inserting "of the Law Enforcement Assistance Administration and the Director of the National Intitute of Justice" after "Administrator" the first place it appears therein; and

(B) by inserting "of the Office of Juvenile Justice and Delinquency Prevention" after "Ad ministrator" the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Attorney General".

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Administrator" the last place it appears therein and inserting in lieu thereof "Attorney General".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 7. (a) Section 204(b) of the Juvenile Justice and Deliquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) by striking out ", with the assistance of the Associate Administrator,"; and

(2) in paragraph (6) thereof, by inserting "and training assistance" after "technical assistance".

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection:

"(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting "the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration," after "Secretary of Labor,"; and

(2) by striking out "the Secretary of Housing and Urban Development," and inserting in lieu thereof "the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out "the Attorney General and";

(2) by inserting ", and to the Congress," after "President"; and

(3) by adding at the end thereof the following new sentence: "The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.".

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out "a minimum of four times per year" and inserting in lieu thereof "at least quarterly".

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "may" and inserting in lieu thereof "shall".

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by inserting ", not to exceed $500,000 for each fiscal year" before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

"NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the 'Advisory Committee') which shall consist of 15 members appointed by the President.

"(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

"(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

"(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

"(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

"(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advice, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive

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compensation at a rate not to exceed the daily rate specified for Grade GS-18 of the General Schedule in section 5332 of title 5, United States Code, including travel time.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.".

ALLOCATION

SEC. 10. The last sentence of section 222(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(a)) is amended by striking out "and", and by inserting ", and the Commonwealth of the Northern Mariana Islands" after "Pacific Islands".

STATE PLANS

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "consistent with the provisions" and all that follows through "such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall".

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "twenty-one" and inserting in lieu thereof "15", and by striking out "thirty-three" and inserting in lieu thereof "33".

(3) Section 223(a)(3)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(B)) is amended—

(A) by inserting "locally elected officials," after "include"; and

(B) by inserting "special education," after "education,".

(4) Section 223(a)(3)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(E)) is amended—

(A) by striking out "one-third" and inserting in lieu thereof "one-fifth";

(B) by striking out "twenty-six" and inserting in lieu thereof "24";

(C) by inserting ", and" after "appointment"; and

(D) by striking out "three of whom" and inserting in lieu thereof "3 of whose members".

(5) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) by striking out "(ii) may advise" and all that follows through "requested;" and inserting in lieu thereof "(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);"; and

(B) by adding at the end thereof the following: "and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;".

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out "and" at the end thereof.

(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

"(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;".

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(A) by striking out "juvenile detention and correctional facilities" and inserting in lieu thereof "confinement in secure detention facilities and secure correctional facilities";

(B) by striking out "and" the fifth place it appears therein;

(C) by inserting after "standards" the following: ", and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation"; and

(D) by adding at the end thereof the following new subparagraph:

"(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;"

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting "education, special education,", after "home programs,".

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out "keep delinquents and to", and by inserting "delinquent youth and" after "encourage".

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

"(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

"(i) remove juveniles from jails and lockups for adults;

"(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

"(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

"(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;".

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

"(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and".

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended—

(A) by inserting "or offenses which do not constitute violations of valid court orders" after "adult"; and

(B) by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

(14) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in paragraph (15)(A), is amended—

(A) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraph (12)(A), paragraph (13), and paragraph (14)"; and

(B) by inserting before the semicolon at the end thereof the following: ", except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively".

(15) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended by the foregoing provisions of this subsection, is further amended—

(A) by redesignating paragraph (14) through paragraph (21) as paragraph (15) through paragraph (22), respectively, and by inserting after paragraph (13) the following new paragraph:

"(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall promulgate regulations which (A) recognize the special needs of areas characterized by low population density with respect to the detention of juveniles; and (B) shall permit the temporary detention in such adult facilities of juveniles accused of serious crimes against persons, subject to the provisions of paragraph (13), where no existing acceptable alternative placement is available;"; and

(B) by adding at the end thereof the following new sentence: "Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).".

(b) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking out ", with the concurrence of the Associate Administrator,";

(2) by inserting after "juveniles" the following: "or through removal of 100 percent of such juveniles from secure correctional facilities"; and

(3) by adding at the end thereof the following new sentence: "Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is

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in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years."

(c) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) by inserting "endeavor to" after "the Administrator shall";

(2) by striking out "public and private" and all that follows through "section 224" and inserting in lieu thereof "local public and private nonprofit agencies within such State for use in carrying out the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14)";

(3) by striking out "endeavor to make such reallocated funds" and inserting in lieu thereof "make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds,";

(4) by striking out "a preferential" and inserting in lieu thereof "an equitable";

(5) by striking out "to programs in nonparticipating States under section 224(a)(2) and";

(6) by striking out "substantial or"; and

(7) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)".

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lockups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: ", including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)) is amended—

(1) in paragraph (10) thereof, by striking out "and" at the end thereof;

(2) in paragraph (11) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(12) develop and implement special emphasis prevention and treatment programs relating to juveniles who commit serious crimes."

(d) Section 224 of the Juvenile Justice and Delinquent Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsection:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.

"(e) At least 5 percent of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands."

USE OF FUNDS

SEC. 13. (a) Section 227 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5637) is amended by adding at the end thereof the following new subsection:

"(c) Funds paid pursuant to section 223(a)(10)(D) and section 224(a)(7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 224(a)(7) are used either directly or indirectly in any manner prohibited in this subsection.

PAYMENTS

SEC. 14. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended—

(1) by striking out subsection (a) and subsection (b) thereof, and by striking out the section designation preceding subsection (a);

(2) by redesignating subsection (c) through subsection (g) as subsection (a) through subsection (e), respectively; and

(3) by inserting "Sec. 228." before subsection (a), as so redesignated in paragraph (2).

(b) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "subpart II of" after "applicant under"; and

(2) by striking out "under section 224" and inserting in lieu thereof "in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5)".

DESIGNATION OF STATE AGENCIES

SEC. 15. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of law, if the Administrator determines, in his discretion, that sufficient funds have not been appropriated for any fiscal year for the activities authorized in part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968, then the Administrator is authorized to—

"(1) approve any appropriate State agency designated by the Governor of the State involved as the sole agency responsible for supervising the preparation and administration of the State plan submitted under section 223; and

"(2) establish appropriate administrative and supervisory board membership requirements for any agency designated in accordance with paragraph (1), and permit the State advisory group appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor.".

ADMINISTRATIVE PROVISIONS

SEC. 16. Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

"(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.".

REPORT REGARDING CONFINEMENT OF JUVENILES IN JAILS FOR ADULTS

SEC. 17. (a) The Administrator of the Office of Juvenile Justice and Delinquency Prevention, not later than 18 months after the date of the enactment of this Act, shall submit a report to the Congress relating to the cost and implications of any requirement added to the Juvenile Justice and Delinquency Prevention Act of 1974 which would mandate the removal of juveniles from adults in all jails and lockups.

(b) The report required in subsection (a) shall include—

(1) an estimate of the costs likely to be incurred by the States in implementing the requirement specified in subsection (a);

(2) an analysis of the experience of States which currently require the removal of juveniles from adults in all jails and lockups;

(3) an analysis of possible adverse ramifications which may result from such requirement of removal, including an analysis of whether such requirement would lead to an expansion of the residential capacity of secure detention facilities and secure correctional facilities for juveniles, thus resulting in a net increase in the total number of juveniles detained or confined in such facilities; and

(4) recommendations for such legislative or administrative action as the Administrator considers appropriate.

RUNAWAY AND HOMELESS YOUTH

SEC. 18. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

"TITLE III—RUNAWAY AND HOMELESS YOUTH".

(b) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42

BEST DOCUMENT AVAILABLE

U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families," after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

(5) by adding at the end thereof the following new subsections:

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes of from any facilities in which they have been placed as the result of an adjudication.

"(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.".

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "house" and inserting in lieu thereof "center", and by inserting "or to other homeless juveniles" before the period at the end thereof.

(2) Section 312(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(b)) is amended—

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel.".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "$100,000" and inserting in lieu thereof "$150,000", and by striking out "any applicant whose program budget is smaller than $150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "houses" and inserting in lieu thereof "centers".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 19. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereof "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Protection Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate".

(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended by striking out "Associate".

(4) Section 204(k) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(k)) is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(5) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" each place it appears therein; and

(E) by inserting "the Director of the National Institute of Justice," after "Prevention," the last place it appears therein.

(2) Section 206(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(b)) is amended by striking out "Associate".

(3) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

(g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968".

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council."

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

(4) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 802(b)" and inserting in lieu thereof "section 1002".

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11)) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 223(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(B)) is amended by striking out "Associate".

(7) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(8) Section 223(a)(18)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "or" the first place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a)(21) of the Juvenile Justice Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a)(22) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(11) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended in section 11(a)(15)(B), is further amended (in the sentence preceding the last sentence thereof) by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511" and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 224(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(6)) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(i) Section 228(e) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803".

(j)(1) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "Associate" each place it appears therein.

(2) Section 241(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42

BEST DOCUMENT AVAILABLE

U.S.C. 5651(c)) is amended by striking out "National Institute of Law Enforcement and Criminal Justice" and inserting in lieu thereof "National Institute of Justice".

(k) Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by striking out "sections 249, 250, and 251" and inserting in lieu thereof "sections 248, 249, and 250".

(l) Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is amended by striking out "Associate".

(m) Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended by striking out "Associate" each place it appears therein.

(n) Section 248(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5658(a)) is amended by striking out "Associate" each place it appears therein.

(o) Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "Associte".

(p)(1) Section 250(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(a)) is amended by striking out "Associate" each place it appears therein.

(2) Section 250(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(b)) is amended by striking out "Associate" each place it appears therein.

(3) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 6704) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2441

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent that the House insist upon its amendments to the Senate bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such act, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, ANDREWS of North Carolina, CORRADA, KILDEE, STACK, WILLIAMS of Montana, ASHBROOK, COLEMAN, and GOODLING.

DIRECTING CLERK TO MAKE CORRECTIONS AND TECHNICAL AND CONFORMING CHANGES IN ENGROSSMENT OF HOUSE AMENDMENT TO S. 2441

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent that the Clerk be directed, in the engrossment of the House amendment to the Senate bill (S. 2441), to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such act, and for other purposes, to correct punctuation and spelling, to correct section numbers and references, and to make any other technical and conforming changes necessary to reflect actions of the House on the bill, H.R. 6704.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE

Mr. ANDREWS of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 6704, the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE A RECESS TODAY

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to declare a recess today subject to the call of the Chair, such recess to extend not beyond 2 p.m.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

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STATEMENT BY REPRESENTATIVE ASHBROOK

FOLLOWING PASSAGE OF H.R. 6704,

NOVEMBER 19, 1980

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NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES URGE PASSAGE OF VALID COURT ORDER AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. ASHBROOK) is recognized for 15 minutes.

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● Mr. ASHBROOK. Mr. Speaker, during the debate today on the amendments to the Reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, we have had the wise counsel of many of this Natibn's finest judges. Confronted with a difficult if not unworkable situation created by the Congress with the passage of the 1974 act, they presented their candid and learned views to the Education and Labor Committee on which I am proud to serve as the ranking minority member. Although the committee voted to not adopt their views, I was confident that the entire Congress, when presented with the issues involved, would support the position propounded by the jurists in the field who work with the problems of delinquents and know from experience what will work and not work.

My amendment was passed by an overwhelming majority today. For that I am most pleased. However, I do not count this as a personal victory. The verdict on the Ashbrook amendment was based on the logic of the arguments presented by the judges themselves. The National Council of Juvenile and Family Court Judges worked long and hard to convince legislators that their ability to deal with juvenile offenders was severely hampered by restrictions on the implementation of their valid court orders. I congratulate them for their work, their tenacity and their success.

If I were to single out one who deserves great credit for this success it would be the Honorable John R. Milligan who serves as chairman of the government committee of the National Council of Juvenile and Family Court Judges and is a judge of the Stark County Juvenile Court, Canton, Ohio. Judge Milligan appeared before our committee and made the excellent presentation I include with these remarks. More than that, he followed up with an almost weekly status report on the amendment. When it lost in our committee, he continued his efforts as did his many colleagues throughout the country. I am pleased to note, as an aside Mr. Speaker, that Jack Milligan successfully sought higher office in November and was elected to the Ohio Court of Appeals.

In my experience, all too often we witness legislators here forgetting about the people back home who have to deal with the problems we create by our laws and regulations. That trend is hopefully being reversed. Maybe this is a start. The House of Representatives today listened to those public servants who are on the point, at the front where theory stops and reality begins. In their day-to-day dealing with today's troubled youth, these judges have compassion. They also understand that a court cannot command respect if its valid orders can be flaunted. My amendment, supported by the National Council of Juvenile & Family Court Judges will hopefully make their difficult responsibilities at least somewhat easier.

Mr. Speaker, I include Judge Milligan's remarks:

STATEMENT OF HON. JOHN R. MILLIGAN

We respectfully ask the Congress the following question:

Does Congress intend that every child have the ultimate right, at any age, to decide for himself whether he will (1) continue to run away from home; (2) to go to school; (3) obey State laws for children; or (4) violate legitimate court orders?

As currently interpreted by O.J.J.D.P., the answer to this question is "yes".

A youth who does not violate an adult criminal law continues to be a "status offender", no matter how often he runs away from home or other placement, or is continually truant from school. In fact, the longest period of time such a runaway youth can be held against his will, under any circumstances, is 24 hours (considered a "de minimus" violation by OJJDP).

Horror stories of chronic runaways who have been abused, raped, prostituted, and sometimes murdered should underscore the imperative of some ultimate, bottom-line authority over such youth. (The "Gacy murder case in Illinois", the mass homosexual murders of kids in Texas, the "Minnesota Connection" with prostitution in New York, the atrocity in California, and CBS's Fort Lauderdale homosexual revelations—all are dramatic examples).

If the purposes of the Act are to be realized—prevention of delinquency by provision of adequate facilities and programs, and by keeping students in school—some ultimate authority is necessary.

Limiting such authority to those who violate a valid court order is a reasonable compromise with those who would opt for continuing to answer the above question with a "yes". The Amendment is specific, measurable, and fair.

It is necessary to ensure the safety, education, and health of that small portion of the youth population who will otherwise endanger themselves.

It is necessary to underwrite families and schools in meeting their custody, care, and education responsibilities.

Isn't there a danger of abuse by the judge on a case-by-case basis? The potential for abuse of authority exists in every facet of society. Fortunately, that potential is tempered as to the courts—and particularly the juvenile courts—by a whole series of checks and balances, including the the rights of advocacy and appeal.

This Amendment strikes a balance between categoric federal legislation mandates and the state's right to set procedures and rules for dealing with cases on a case-by-case basis, in the public interest.

The proposed Amendment strikes a reasonable balance. It limits any coercive authority to "valid court order" violations, and couples this with the existing language of the next section of the Act (Sec. 223(a)(12)(B)), requiring that if youth are placed in facilities, they must be: (1) the "least restrictive alternatives appropriate to the needs of the child and the community, (2) in reasonable proximity to the family and the home communities of such juveniles, and (3) able to provide the services described in (the Act)".

Also, such youth are categorically prohibited from being placed in adult jails or lock-up. (Sec 223(a)(13))

The requirement that the court order be "valid" is a strong protection against abuse of discretion by the trial judge. A "valid court order" means one that is issued after full due process rights have been accorded to the youth and his parents, guardian, or custodian. They are enumerated in In re Gault, 387 U.S. 1, and articulated in statutes, rules, and case law in every state. They include:

(1) the right to have the charges against the juvenile in writing;

(2) the right to notice and a reasonable time to prepare for hearing;

(3) the right to an explanation of the nature and consequences of the hearing;

(4) the right to a hearing before a court;

(5) the right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(6) the right to confront witnesses;

(7) the right to present witnesses;

(8) the right to have a transcript or record of the proceedings; and

(9) the right to appeal to an appropriate state court.

Also, the Act encourages, and the judges support, the provision of monitoring through advocacy. See Sec. 233(a)(10)(D), providing for:

". . . projects designed to develop and implement programs stressing advocacy activities aimed at improving services for, and protecting the rights of, youth impacted by the Juvenile Justice System . . ."

Since the adoption of the Juvenile Justice Act, there has been a substantial change in the posture and position of most Juvenile Judges and Juvenile Courts. A healthy, increased awareness of the juvenile court's responsibility to use the least restrictive option in each case, consistent with the treatment needs of the juvenile and his family, and the public safety, has developed. With help and encouragement from OJJDP, juvenile courts have greatly expanded the use of diversion and specific, treatment-related intervention. The use of coercion has been substantially minimized. Thus, status offense referrals to the juvenile courts decreased 9.9 percent in 1976 and 21.3 percent in 1977—a reflection of increased use of community resources and diversion. Detention of status offenders decreased by 49.4 percent from 1975 to 1977. ("Special report: A Summary of Reported Data Concerning Young People and the Juvenile Justice System, 1975-1977," prepared for O.J.J.D.P. by National Center for Juvenile Justice, March, 1980)

CONCLUSION

The federal initiative in juvenile justice is at a critical juncture. Much progress has been made. Much, much more remains to be done.

However, unless the change recommended by the Human Resources Subcommitee is adopted, many states will be impelled to withdraw from participation. The victims of such an action will be the very children and families the Congress intended to serve.

Mr. Speaker, as is usually the case on any issue, there are sides. Those opposing my amendment made very sincere arguments although the usual theme was one of permissiveness which seems to permeate so much of our society. Judges are wrong, parents are wrong. The youthful offender, even the repeat offender? Well, he is victimized and probably right. That seems to be their argument.

I respectfully take the opposite point of view. Judges are entrusted to hear the case and responsibly adjudicate—often siding with the parents, often with the youth. But what is best for society should always be paramount. When you allow the youthful truant to be the one who has the rights and the judge the one we hold as suspect, something is wrong with our system. This seems to be the argument of those who want to continue a situation where the youthful offender can look at the judge and, in effect, thumb his nose.

Ohio is in a particularly critical position. Unless my amendment were to pass, our judges would be under the Federal gun and forced to make accommodations in their courts which they not only do not want to make but, in their experience, would limit their abil-

ity to deal with offenders who come before them.

Here is a list of those organizations which opposed the "valid court order" amendment. Maybe our learned judges should take a moment of their time to talk to some of these groups like a Dutch uncle and instill some sense of what is really involved in these issues. Girl Scouts of U.S.A.? Now really. Maybe when the Scouts grow up they will see things differently. At least for the record, here they are:

National Association of Counties.
National Board of YMCA's.
National Conference of Catholic Charities.
National Congress of Parents and Teachers.
National Council on Crime and Delinquency.
National Council of Jewish Women.
National League of Cities.
Association of Junior Leagues.
National Network for Runaway and Youth Services, Inc.
National Prison Project.
National Youth Work Alliance.
American Civil Liberties Union.
American Red Cross Youth Services.
American Veterans Committee.
Boys' Clubs of America.
Campfire Inc.
Girls' Clubs of America.
Girl Scouts of U.S.A.
United Neighborhood Centers of America.
U.S. Catholic Conference.
Association of Washington State Community Youth Services.
California Child, Youth, and Family Coalition.
Colorado Youth Alternatives Council.
Community Congress of San Diego.
John Howard Association.
Illinois Youth Service Bureau Association.
Illinois Collaboration on Youth.
Iowa Network of Community Youth Services.
Maryland Youth Advocacy Coalition.
Michigan Association of Youth Service Bureaus, Inc.
Minnesota Youth Advocates Coalition.
Mountain Plains Youth Services Coalition (South Dakota, North Dakota, Montana, and Wyoming).
New Hampshire Federation of Youth Services.
New Mexico Youth Work Alliance.
Ohio Youth Services Network.
Oregon Youth Work Alliance.
Vermont State Association of Youth Service Bureaus.
Wisconsin Association for Youth.
Youth Network Council of Illinois.
Youth Policy and Law Center, Wisconsin.
Office of Regional, Provincial, and State Child Care Associations.
American Parents Committee.

Mr. Speaker, November 19 will rank as an important day for those who are on the front lines, our juvenile and family court judges who are trying to bring some order to the chaos that society has created and dumped into their courts each and every day of their lives. Society won today. Parents won today. Our fine judges won today.

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SENATE ADOPTION OF THE HOUSE AMENDMENTS

TO S. 2441, NOVEMBER 20, 1980

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AMENDMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BAYH, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2441.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives insisting on its amendments to the bill (S. 2441) to amend the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BAYH, I move that the Senate concur in the House amendments en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. BAKER. I move to lay that on the table.

The motion to lay on the table was agreed to.

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STATEMENT BY PRESIDENT CARTER UPON SIGNING S. 2441

THE JUVENILE JUSTICE AMENDMENTS OF 1980

DECEMBER 8, 1980

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Weekly

Compilation

of

PRESIDENTIAL DOCUMENTS

Monday, December 15, 1980
Volume 16–Number 50
Pages 2785–2808

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2787

Juvenile Justice Amendments of 1980

Statement on Signing S. 2441 Into Law. December 8, 1980

On July 1st of this year, I sent a message to Congress indicating my deep commitment to the goals and objectives of the Juvenile Justice and Delinquency Prevention Act. I am pleased to reiterate that commitment by signing S. 2441, the Juvenile Justice Amendments of 1980. This

2788

legislation will continue the authorizations of both the Juvenile Justice and Delinquency Prevention Act and the Runaway and Homeless Youth Act for 4 years.

The children of America are our most precious resource. One negative experience with the justice system can permanently mar a young person's future. The Juvenile Justice and Delinquency Prevention Act is particularly important, because it establishes a program to prevent young people from having that first negative experience with the criminal justice system, rather than reacting to incidents after their occurrence. Six years after its enactment, we can take great pride in its accomplishments. It has demonstrated many new alternatives to traditional methods of dealing with children in the juvenile justice system and contributed to substantial progress in providing fair and effective treatment for our young people.

The report of the House Committee on Labor and Education found that since passage of the original act, the proportion of serious crimes committed by juveniles has steadily dropped.

The major share of funds under the act is allocated to the States to implement the programs each State decides are most appropriate and effective for that particular State. I am particularly pleased that Congress accepted an amendment advocated by the administration which will result in the removal of juveniles from adult jails and lockups. This provision will go a long way toward addressing what the Deputy Attorney General termed a "national catastrophe" when testifying before Congress last March.

It is also satisfying that provisions of the law which call for the coordination of Federal juvenile delinquency programing have been strengthened. The Coordinating Council on Juvenile Justice and Delinquency Prevention has provided Federal agencies with an effective means of marshaling their forces and acting in a unified and consistent manner. These efforts to reduce duplication and promote interagency cooperation should serve as a model for all levels of government.

Other provisions of S. 2441 authorize assistance for children who have run away from home or who are otherwise homeless, establish a separate Office of Juvenile Justice and Delinquency Prevention within the Justice Department assuring the independence necessary to effectively do its job, and reduce redtape at the local level.

Since first enacted in 1974, the Juvenile Justice and Delinquency Prevention Act has enjoyed a broad base of support from public agencies and private organizations and strong bipartisan support in the Congress. I would like to give particular credit to Senator Birch Bayh, an author of the original 1974 legislation. The children of the country will lose an effective advocate when he leaves the Congress. I would like to thank Senator Strom Thurmond, Congressman Ike Andrews, and Congressman E. Thomas Coleman, who managed the bill and were instrumental in assuring that the legislation was not ignored in the closing days of the congressional session.

NOTE: As enacted, S. 2441 is Public Law 96–509, approved December 8.

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THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT, AS AMENDED THROUGH DECEMBER 8, 1980

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THE

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

As Amended Through December 8, 1980

*

Public Law 93-415

As Amended By

The Fiscal Year Adjustment Act
(Public Law 94-273)

The Crime Control Act of 1976
(Public Law 94-503)

The Juvenile Justice Amendments of 1977
(Public Law 95-115)

and

The Juvenile Justice Amendments of 1980
(Public Law 96-509)

*

An Act

To provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

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*

This Compilation Has Been Prepared, in Part, By

THE SUBCOMMITTEE ON HUMAN RESOURCES

COMMITTEE ON EDUCATION AND LABOR

U. S. HOUSE OF REPRESENTATIVES

*

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OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

OFFICE OF JUSTICE ASSISTANCE, RESEARCH,
AND STATISTICS

U. S. DEPARTMENT OF JUSTICE

*

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974 [1]

AN ACT To provide a comprehensive, coordinated approach to the problems of juvenile delinquency, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Juvenile Justice and Delinquency Prevention Act of 1974". (*42 U.S.C. 5601 note*)

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

SEC. 101. (a) The Congress hereby finds that—

(1) juveniles account for almost half the arrests for serious crimes in the United States today;

(2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

(3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of the countless, abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;

(4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and other drugs, particularly nonopiate or polydrug abusers;

(5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

(6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency;

(7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency; and

[1] This Compilation reflects amendments made to the Juvenile Justice and Delinquency Prevention Act of 1974 by the Fiscal Year Adjustment Act (Public Law 94-273; 90 Stat. 375), the Crime Control Act of 1976 (Public Law 94-503; 90 Stat. 2407), the Juvenile Justice Amendments of 1977 (Public Law 95-115; 91 Stat. 1048), and the Juvenile Justice Amendments of 1980 (Public Law 96-509; 94 Stat. 2750).

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(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.

(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency. (*42 U.S.C. 5601*)

PURPOSE

SEC. 102. (a) It is the purpose of this Act—

(1) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(2) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(6) to assist State and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions;

(7) to establish a Federal assistance program to deal with the problems of runaway youth; and

(8) to assist State and local governments in removing juveniles from jails and lockups for adults.

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and

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training services in the field of juvenile delinquency prevention. (*42 U.S.C. 5602*)

DEFINITIONS

SEC. 103. For purposes of this Act—

(1) the term "community based" facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, special education, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this Act;

(3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth to help prevent delinquency;

(4)(A) the term "Office of Justice Assistance, Research, and Statistics" means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

(B) the term "Law Enforcement Assistance Administration" means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

(C) the term "National Institute of Justice" means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

(D) the term "Bureau of Justice Statistics" means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

(5) the term "Administrator" means the agency head designated by section 201(c);

(6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services, activities of corrections, probation, or parole authorities, and programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction; [1]

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, the Virgin Islands,

[1] So in original. Apparently should include a closing parenthesis.

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Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the District of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this title;

(9) the term "combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a juvenile justice and delinquency prevention plan;

(10) the term "construction" means acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings);

(11) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

(12) the term "secure detention facility" means any public or private residential facility which—

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;

(13) the term "secure correctional facility" means any public or private residential facility which—

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

(14) the term "serious crime" means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and

(15) the term "treatment" includes but is not limited to medical, educational, special education, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public, including services designed to benefit addicts and other users by eliminating their dependence on alcohol or

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other addictive or nonaddictive drugs or by controlling their dependence and susceptibility to addiction or use. *(42 U.S.C. 5603)*

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby created within the Department of Justice, under the general authority of the Attorney General, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office"). The Administrator shall administer the provisions of this Act through the Office.

(b) The programs authorized pursuant to this Act unless otherwise specified in this Act shall be administered by the Office established under this section.

(c) There shall be at the head of the Office an Administrator who shall be nominated by the President by and with the advice and consent of the Senate.

(d) The Administrator shall exercise all necessary powers, subject to the general authority of the Attorney General. The Administrator is authorized to prescribe regulations for, award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under part B and part C of this title. The Administrator of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice may delegate such authority to the Administrator of the Office of Juvenile Justice and Delinquency Prevention for all grants and contracts from, and applications for, funds made available under this part and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

(e) There shall be in the Office a Deputy Administrator who shall be appointed by the Attorney General. The Deputy Administrator shall perform such functions as the Administrator from time to time assigns or delegates, and shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of the Administrator.

(f) There shall be established in the Office a Deputy Administrator who shall be appointed by the Attorney General whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established under section 241 of this Act.

(g) Section 5108(c)(10) of title 5, United States Code first occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five". *(42 U.S.C. 5611)*

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

SEC. 202. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including

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attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Administrator to assist him in carrying out his functions under this Act.

(d) The Administrator may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code. (*42 U.S.C. 5612*)

VOLUNTARY SERVICE

SEC. 203. The Administrator is authorized to accept and employ, in carrying out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)). (*42 U.S.C. 5613*)

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Administrator shall—

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may

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have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year following the date of the enactment of the Juvenile Justice Amendments of 1977, prior to December 31, an analysis and evaluation of Federal juvenile deliquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; and

(6) provide technical assistance and training assistance to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The President shall, no later than ninety days after receiving each annual report under subsection (b)(5), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report.

(d)(1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to information required by subsection (b)(5), a detailed statement of criteria developed by the Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such annual report shall contain, in addition to information required by subsection (b)(5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to the comprehensive plan required by subsection (b)(5), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection ("1"). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.

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(f) The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this part.

(g) The Administrator may delegate any of his functions under this title, to any officer or employee of the Office.

(h) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(i) The Administrator is authorized to transfer funds appropriated under this title to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the Administrator finds to be exceptionally effective or for which he finds there exists exceptional need.

(j) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, organization, institution, or individual to carry out the purposes of this title.

(k) All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of Health and Human Services under title III of this Act.

(l)(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the Administrator under section 204(d)(1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

(2) Each juvenile delinquency development statement submitted to the Administrator under subsection ("l") shall be submitted in accordance with procedures established by the Administrator under section 204(e) and shall contain such information, data, and analyses as the Administrator may require under section 204(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("l"). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title. (*42 U.S.C. 5614*)

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JOINT FUNDING

SEC. 205. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced whenever the Administrator finds the program or activity to be exceptionally effective or for which the Administrator finds exceptional need. In such cases, a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose. (*42 U.S.C. 5615*)

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health and Human Services, the Secretary of Labor, the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration, the Director of the Office of Drug Abuse Policy, the Director of the ACTION Agency, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau, or their respective designees, the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Administrator of the Institute for Juvenile Justice and Delinquency Prevention, the Director of the National Institute of Justice, and representatives of such other agencies as the President shall designate.

(2) Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.

(b) The Attorney General shall serve as Chairman of the Council. The Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) The function of the Council shall be to coordinate all Federal juvenile deliquency programs. The Council shall make recommendations to the President, and to the Congress, at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency pro-

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grams and activities. The Council is authorized to review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of section 223(a)(12)(A) and (13) of this title. The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.

(d) The Council shall meet at least quarterly and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

(e) The Administrator shall, with the approval of the Council, appoint such personnel or staff support as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year. (*42 U.S.C. 5616*)

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the "Advisory Committee") which shall consist of 15 members appointed by the President.

(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each

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member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

(d) The Advisory Committee shall—

(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

(3) advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade GS-18 of the General Schedule in section 5332 of title 5, United States Code, including traveltime.

(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem

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in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year. (*42 U.S.C. 5617*)

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

SEC. 221. The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system. (*42 U.S.C. 5631*)

ALLOCATION

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than $225,000, except that for the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands no allotment shall be less than $56,250.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring and evaluation. Not more than 7½ per centum of the total annual allotment of such State shall be available for such purposes, except that any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of

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general local government or combinations thereof within the State on an equitable basis.

(d) In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allotment to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this Act. (*42 U.S.C. 5632*)

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall—

(1) designate the State criminal justice council established by the State under section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the "State criminal justice council") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F), and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and (A) which shall consist of not less than 15 and not more than 33 persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, (B) which shall include locally elected officials, representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, special education, or youth services departments, (C) which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman)

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shall not be full-time employees of the Federal, State, or local government, (E) at least one-fifth of whose members shall be under the age of 24 at the time of appointment, and at least 3 of whose members shall have been or shall currently be under the jurisdiction of the juvenile justice system; and (F) which (i) shall, consistent with this title, advise the State criminal justice council and its supervisory board; (ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13); (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State criminal justice council, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group; (iv) may be given a role in monitoring State compliance with the requirements of paragraph (12)(A) and paragraph (13), in advising on State criminal justice council and local criminal justice advisory board composition, in advising on the State's maintenance of effort under section 1002 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan; and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;

(4) provide for the active consultation with and participation of units of general local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of local governments, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 222, other than funds made available to the State advisory group under section 222(d), shall be expended through—

(A) programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan; and

(B) programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;

(6) provide that the chief executive officer of the unit of general local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and ad-

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ministration of the local government's part of the State plan, to that agency within the local government's structure or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 222 within the State;

(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;

(10) provide that not less than 75 per centum of the funds available to such State under section 222, other than funds made available to the State advisory group under section 222(d), whether expended directly by the State, by the unit of general local government or combination thereof, or through grants and contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to confinement in secure detention facilities and secure correctional facilities; to encourage a diversity of alternatives within the juvenile justice system, to establish and adopt juvenile justice standards, and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation. These advanced techniques include—

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, twenty-four hour intake screening, volunteer and crisis home programs, education, special education, day

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treatment, and home probation, and any other designated community-based diagnostic, treatment, or rehabilitative service;

(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;

(C) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and other youth to help prevent delinquency;

(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;

(E) educational programs or supportive services designed to encourage delinquent youth and other youth to remain in elementary and secondary schools or in alternative learning situations;

(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

(G) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs;

(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

(i) remove juveniles from jails and lockups for adults;

(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;

(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-iob training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and

(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;

(11) provide for the development of an adequate research, training, and evaluation capacity within the State;

(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult or offenses which do not constitute violations of valid

court orders, or such nonoffenders as dependent or neglected children, shall not be placed in secure detention facilities or secure correctional facilities; and

(B) provide that the State shall submit annual reports to the Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);

(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults, except that the Administrator shall promulgate regulations which (A) recognize the special needs of areas characterized by low population density with respect to the detention of juveniles; and (B) shall permit the temporary detention in such adult facilities of juveniles accused of serious crimes against persons, subject to the provisions of paragraph (13), where no existing acceptable alternative placement is available;

(15) provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (12)(A), paragraph (13), and paragraph (14) are met, and for annual reporting of the results of such monitoring to the Administrator, except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

(16) provide assurance that assistance will be available on an equitable basis to deal with disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;

(17) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

(18) provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the

maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation of rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) the continuation of collective-bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

(19) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

(20) provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

(21) provide that the State criminal justice council will from time to time, but not less often than annually, review its plan and submit to the Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

(22) contain such other terms and conditions as the Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Such plan may at the discretion of the Administrator be incorporated into the plan specified in section 403 of the Omnibus Crime Control and Safe Streets Act. Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).

(b) The State criminal justice council designated pursuant to section 223(a), after receiving and considering the advice and recommendations of the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section. Failure to achieve compliance with the subsection (a)(12)(A) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator determines that the State is in substantial compliance

with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles or through removal of 100 percent of such juveniles from secure correctional facilities, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years. Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections 803, 804, and 805 of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall endeavor to make that State's allotment under the provisions of section 222(a) available to local public and private nonprofit agencies within such State for use in carrying out the purposes of subsection (a)(12)(A), subsection (a)(13), or subsection (a)(14). The Administrator shall make funds which remain available after disbursements are made by the Administrator under the preceding sentence, and any other unobligated funds, available on an equitable basis to those States that have achieved full compliance with the requirements under subsection (a)(12)(A) and subsection (a)(13) within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c). (*42 U.S.C. 5633*)

Subpart II—Special Emphasis Prevention and Treatment Programs

SEC. 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and other youth to help prevent delinquency;

(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

(A) remove juveniles from jails and lockups for adults;

(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;

(6) develop and implement, in coordination with the Secretary of Education, model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

(8) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

(9) improve the juvenile justice system to conform to standards of due process;

(10) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes;

(11) develop and implement programs relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and

(12) develop and implement special emphasis prevention and treatment programs relating to juveniles who commit serious crimes.

(b) Twenty-five per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

(c) At least 30 per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.

(e) At least 5 percent of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts designed to address the special needs and problems of juvenile delinquency in the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Commonwealth of the Northern Mariana Islands. (*42 U.S.C. 5634*)

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 225. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 224, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each such application shall—

(1) provide that the program for which assistance is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 224;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the State planning agency and local agency designated in section 223, when appropriate, and indicate the response of such agency to the request for review and comment on the application;

(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency, when appropriate;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title; and

(8) indicate the response of the State agency or the local agency to the request for review and comment on the application.

(c) In determining whether or not to approve applications for grants under section 224, the Administrator shall consider—

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to delinquents and other youth to help prevent delinquency;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency;

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee as set forth pursuant to section 247; and

(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population

greater than forty thousand, located within States which have no city with a population over two hundred and fifty thousand.

(d) No city should be denied an application solely on the basis of its population. (*42 U.S.C. 5635*)

GENERAL PROVISIONS

Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Administrator shall initiate such proceedings as are appropriate. (*42 U.S.C. 5636*)

USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any public or private agency, organization, institution, or individual (whether directly or through a State planning agency) may be used for—

(1) planning, developing, or operating the program designed to carry out the purposes of this part; and

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities for less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this part (whether directly or through a State agency or local agency) may be used for construction.

(c) Funds paid pursuant to section 223(a)(10)(D) and section 224(a)(7) to any public or private agency, organization, or institution or to any individual (whether directly or through a State criminal justice council) shall not be used to pay for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence a Member of the Congress or any other Federal, State, or local elected official to favor or oppose any Acts, bills, resolutions, or similar legislation, or any referendum, initiative, constitutional amendment, or any similar procedure by the Congress, any State legislature, any local council, or any similar governing body, except that this subsection shall not preclude such funds from being used in connection with communications to Federal, State, or local elected officials, upon the request of such officials through proper official channels, pertaining to authorization, appropriation, or oversight measures directly affecting the operation of the program involved. The Administrator shall take such action as may be necessary to ensure that no funds paid under section 223(a)(10)(D) or section 224(a)(7) are used either directly or indirectly in any manner prohibited in this subsection. (*42 U.S.C. 5637*)

PAYMENTS

SEC. 228. (a) Whenever the Administrator determines that it will contribute to the purposes of part A or part C, he may require the recipient of any grant or contract to contribute money, facilities, or services.

(b) Payments under this part, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Administrator may determine.

(c) Except as provided in the second sentence of section 222(c), financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity.

(d) In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

(e) If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under subpart II of this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 803 of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, that portion shall be available for reallocation in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5) of this title. (*42 U.S.C. 5638*)

CONFIDENTIALITY OF PROGRAM RECORDS

SEC. 229. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients. (*42 U.S.C. 5639*)

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the Administrator, and shall be headed by a Deputy Administrator of the Office appointed under section 201(f).

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of Justice in accordance with the requirements of section 201(b).

(d) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers, and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel and other persons, including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations, connected with the treatment and control of juvenile offenders.

(e) In addition to the other powers, express and implied, the Institute may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) make grants and enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any functions of the Institute;

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently; and

(6) assist, through training, the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this Act.

(f) Any Federal agency which receives a request from the Institute under subsection (e)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute. *(42 U.S.C. 5651)*

INFORMATION FUNCTION

SEC. 242. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or

individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information. (*42 U.S.C. 5652*)

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

(3) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

(4) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Associate Administrator; [1]

(5) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment, such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices;

(6) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency; and

(7) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency. (*42 U.S.C. 5653*)

TRAINING FUNCTIONS

SEC. 244. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer

[1] So in original. Apparently should be "Administrator".

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personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;

(2) develop, conduct, and provide for seminars, workshop,[1] and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

(3) devise and conduct a training program, in accordance with the provisions of sections 248, 249, and 250, of short-term instruction in the latest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency; and

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders. (*42 U.S.C. 5654*)

INSTITUTE ADVISORY COMMITTEE

SEC. 245. The Advisory Committee shall advise, consult with, and make recommendations to the Administrator concerning the overall policy and operations of the Institute. (*42 U.S.C. 5655*)

ANNUAL REPORT

SEC. 246. The Deputy Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the Administrator after the first year the legislation is enacted, prior to September 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5). (*42 U.S.C. 5656*)

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 247. (a) The National Institute for Juvenile Justice and Delinquency Prevention, under the supervision of the Advisory Committee, shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

[1] So in original. Apparently should be "workshops".

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(b) Not later than one year after the passage of this section, the Advisory Committee shall submit to the President and the Congress a report which, based on recommended standards for the administration of juvenile justice at the Federal, State, and local level—

(1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and

(2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this section.

(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts toward refinement of the recommended standards and may assist State and local governments and private agencies and organizations in the adoption of appropriate standards at State and local levels. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to develop and support model State legislation consistent with the mandates of this Act and the standards developed by Advisory Committee. *(42 U.S.C. 5657)*

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 248. (a) The Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency. *(42 U.S.C. 5659)*

CURRICULUM FOR TRAINING PROGRAM

SEC. 249. The Administrator shall design and supervise a curriculum for the training program established by section 248 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program. *(42 U.S.C. 5660)*

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ENROLLMENT FOR TRAINING PROGRAM

SEC. 250. (a) Any person seeking to enroll in the training program established under section 248 shall transmit an application to the Administrator, in such form and according to such procedures as the Administrator may prescribe.

(b) The Administrator shall make the final determination with respect to the admittance of any person to the training program. The Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 248(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703 of title 5, United States Code. (*42 U.S.C. 5661*)

PART D—ADMINISTRATIVE PROVISIONS

SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated $200,000,000 for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984. Funds appropriated for any fiscal year may remain available for obligation until expended.

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974,[1] the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.

(c) Notwithstanding any other provision of law, if the Administrator determines, in his discretion, that sufficient funds have not been appropriated for any fiscal year for the activities authorized in part D of title I of the Omnibus Crime Control and Safe Streets Act of 1968, then the Administrator is authorized to—

(1) approve any appropriate State agency designated by the Governor of the State involved as the sole agency responsible for supervising the preparation and administration of the State plan submitted under section 223; and

(2) establish appropriate administrative and supervisory board membership requirements for any agency designated in accordance with paragraph (1), and permit the State advisory grour appointed under section 223(a)(3) to operate as the supervisory board for such agency, at the discretion of the Governor. (*42 U.S.C. 5671*)

APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the

[1] So in original. Apparently should be "under subsection (a)".

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cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

(b) The Office of Justice Assistance, Research and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968. (*42 U.S.C. 5672*)

EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by subsections (b) and (c), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

(b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(l) shall become effective at the close of the thirtieth day of the eleventh calendar month of 1976.

(c) Except as otherwise provided by the Juvenile Justice Amendments of 1977, the amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977. (*42 U.S.C. 5601 note*)

TITLE III—RUNAWAY AND HOMELESS YOUTH

SHORT TITLE

SEC. 301. This title may be cited as the "Runaway and Homeless Youth Act". (*42 U.S.C. 5701 note*)

FINDINGS

SEC. 302. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming proportions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already

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overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure. (*42 U.S.C. 5701*)

RULES

SEC. 303. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title. (*42 U.S.C. 5702*)

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 311. (a) The Secretary is authorized to make grants and to provide technical assistance and short-term training to States, localities and nonprofit private agencies and coordinated networks of such agencies in accordance with the provisions of this part. Grants under this part shall be made equitably among the States based upon their respective populations of youth under 18 years of age for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth or otherwise homeless youth, and their families, in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of such youth in the community and the existing availability of services. Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers. Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with such youth.

(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles. (*42 U.S.C. 5711*)

ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway center, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians or to other homeless juveniles.

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(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each center—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient portion [1] to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway center, and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, social service personnel, and welfare personnel, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway center is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway center is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without the consent of the individual youth and parent or legal guardian to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

(7) shall submit annual reports to the Secretary detailing how the center has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such center under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary. (*42 U.S.C. 5712*)

APPROVAL BY SECRETARY

SEC. 313. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than $150,000. In considering grant

[1] So in original. Apparently should be "proportion".

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applications under this part, priority shall be given to organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families. (*42 U.S.C. 5713*)

GRANTS TO PRIVATE AGENCIES, STAFFING

SEC. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds. (*42 U.S.C. 5714*)

REPORTS

SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway centers which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

(4) their effectiveness in helping youth decide upon a future course of action. (*42 U.S.C. 5715*)

FEDERAL SHARE

SEC. 316. (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments. (*42 U.S.C. 5716*)

PART B—RECORDS

RECORDS

SEC. 321. Records containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency. (*42 U.S.C. 5731*)

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PART C—REORGANIZATION

REORGANIZATION PLAN

SEC. 331. (a) After April 30, 1978, the President may submit to the Congress a reorganization plan which, subject to the provisions of subsection (b) of this section, shall take effect, if such reorganization plan is not disapproved by a resolution of either House of the Congress, in accordance with the provisions of, and the procedures established by chapter 9 of title 5, United States Code, except to the extent provided in this part.

(b) A reorganization plan submitted in accordance with the provisions of subsection (a) shall provide—

(1) for the establishment of an Office of Youth Assistance which shall be the principal agency for purposes of carrying out this title and which shall be established—

(A) within the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice; or

(B) within the ACTION Agency;

(2) that the transfer authorized by paragraph (1) shall be effective 30 days after the last date on which such transfer could be disapproved under chapter 9 of title 5, United States Code;

(3) that property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Office of Youth Development within the Department of Health, Education, and Welfare in the operation of functions pursuant to this title, shall be transferred to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, and that all grants, applications for grants, contracts, and other agreements awarded or entered into by the Office of Youth Development shall continue in effect until modified, superseded, or revoked;

(4) that all official actions taken by the Secretary of Health, Education, and Welfare, his designee, or any other person under the authority of this title which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of this title, shall continue in full force and effect until modified, superseded, or revoked by the Associate Administrator for the Office of Juvenile Justice and Delinquency Prevention or by the Director of the ACTION Agency, as the case may be, as appropriate; and

(5) that references to the Office of Youth Development within the Department of Health, Education, and Welfare in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, as appropriate. *(42 U.S.C. 5741)*

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PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 341. (a) To carry out the purposes of part A of this title there is authorized to be appropriated for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984, the sum of $25,000,000.

(b) The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Associate Administrator [1] of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. (*42 U.S.C. 5751*)*

[1] So in original. Apparently should be "Administrator".

* NOTE.—Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 was repealed by section 10 of the Juvenile Justice Amendments of 1977 (Public Law 95-115; 91 Stat. 1061). Title V of such Act, which made various amendments to title 18, United States Code, is not included in this Compilation.

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RELATED PROVISIONS OF LAW

A. Juvenile Justice Amendments of 1980

REPORT REGARDING CONFINEMENT OF JUVENILES IN JAILS FOR ADULTS

SEC. 17. (a) The Administrator of the Office of Juvenile Justice and Delinquency Prevention, not later than 18 months after the date of the enactment of this Act, shall submit a report to the Congress relating to the cost and implications of any requirement added to the Juvenile Justice and Delinquency Prevention Act of 1974 which would mandate the removal of juveniles from adults in all jails and lockups.

(b) The report required in subsection (a) shall include—

(1) an estimate of the costs likely to be incurred by the States in implementing the requirement specified in subsection (a);

(2) an analysis of the experience of States which currently require the removal of juveniles from adults in all jails and lockups;

(3) an analysis of possible adverse ramifications which may result from such requirement of removal, including an analysis of whether such requirement would lead to an expansion of the residential capacity of secure detention facilities and secure correctional facilities for juveniles, thus resulting in a net increase in the total number of juveniles detained or confined in such facilities; and

(4) recommendations for such legislative or administrative action as the Administrator considers appropriate.

B. Chapters 319 and 403 of Title 18, United States Code

Chapter 319.—NATIONAL INSTITUTE OF CORRECTIONS

SEC. 4351. (a) There is hereby established within the Bureau of Prisons a National Institute of Corrections.

(b) The overall policy and operations of the National Institute of Corrections shall be under the supervision of an Advisory Board. The Board shall consist of sixteen members. The following six individuals shall serve as members of the Commission ex officio: the Director of the Federal Bureau of Prisons or his designee, the Administrator of the Law Enforcement Assistance Administration or his designee, Director of the Federal Judicial Center or his designee, the Associate Administrator [1] for the Office of Juvenile Justice and Delinquency Prevention or his designee, and the Assistant Secretary for Human Development of the Department of Health, Education, and Welfare or his designee.

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[1] So in original. Apparently should be "Administrator".

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(c) The remaining ten members of the Board shall be selected as follows:

(1) Five shall be appointed initially by the Attorney General of the United States for staggered terms; one member shall serve for one year, one member for two years, and three members for three years. Upon the expiration of each member's term, the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be qualified as a practitioner (Federal, State, or local) in the field of corrections, probation, or parole.

(2) Five shall be appointed initially by the Attorney General of the United States for staggered terms, one member shall serve for one year, three members for two years, and one member for three years. Upon the expiration of each member's term the Attorney General shall appoint successors who will each serve for a term of three years. Each member selected shall be from the private sector, such as business, labor, and education, having demonstrated an active interest in corrections, probation, or parole.

(d) The members of the Board shall not, by reason of such membership, be deemed officers or employees of the United States. Members of the Commission who are full-time officers or employees of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of the duties vested in the Board. Other members of the Board shall, while attending meetings of the Board or while engaged in duties related to such meetings or in other activities of the Commission pursuant to this title, be entitled to receive compensation at the rate not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code, including travel-time, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(e) The Board shall elect a chairman from among its members who shall serve for a term of one year. The members of the Board shall also elect one or more members as a vice-chairman.

(f) The Board is authorized to appoint, without regard to the civil service laws, technical, or other advisory committees to advise the institute [1] with respect to the administration of this title as it deems appropriate. Members of these committees not otherwise employed by the United States, while engaged in advising the Institute or attending meetings of the committees, shall be entitled to receive compensation at the rate fixed by the Board but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5, United States Code, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence equal to that authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(g) The Board is authorized to delegate its powers under this title to such persons as it deems appropriate.

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[1] So in original. Apparently should be "Institute".

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(h) The Institute shall be under the supervision of an officer to be known as the Director, who shall be appointed by the Attorney General after consultation with the Board. The Director shall have authority to supervise the organization, employees, enrollees, financial affairs, and all other operations of the Institute and may employ such staff, faculty, and administrative personnel, subject to the civil service and classification laws, as are necessary to the functioning of the Institute. The Director shall have the power to acquire and hold real and personal property for the Institute and may receive gifts, donations, and trusts on behalf of the Institute. The Director shall also have the power to appoint such technical or other advisory councils comprised of consultants to guide and advise the Board. The Director is authorized to delegate his powers under this title to such persons as he deems appropriate.

SEC. 4352. (a) In addition to the other powers, express and implied, the National Institute of Corrections shall have authority—

(1) to receive from or make grants to and enter into contracts with Federal, State, and general units of local government, public and private agencies, educational institutions, organizations, and individuals to carry out the purposes of this chapter;

(2) to serve as a clearinghouse and information center for the collection, preparation, and dissemination of information on corrections, including, but not limited to, programs for prevention of crime and recidivism, training of corrections personnel, and rehabilitation and treatment of criminal and juvenile offenders;

(3) to assist and serve in a consulting capacity to Federal, State, and local courts, departments, and agencies in the development, maintenance, and coordination of programs, facilities, and services, training, treatment, and rehabilitation with respect to criminal and juvenile offenders;

(4) to encourage and assist Federal, State, and local government programs and services, and programs and services of other public and private agencies, institutions, and organizations in their efforts to develop and implement improved corrections programs;

(5) to devise and conduct, in various geographical locations, seminars, workshops, and training programs for law enforcement officers, judges, and judicial personnel, probation and parole personnel, correctional personnel, welfare workers, and other persons, including lay ex-offenders, and paraprofessional personnel, connected with the treatment and rehabilitation of criminal and juvenile offenders;

(6) to develop technical training teams to aid in the development of seminars, workshops, and training programs within the several States and with the State and local agencies which work with prisoners, parolees, probationers, and other offenders;

(7) to conduct, encourage, and coordinate research relating to corrections, including the causes, prevention, diagnosis, and treatment of criminal offenders;

(8) to formulate and disseminate correctional policy, goals, standards, and recommendations for Federal, State, and local

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correctional agencies, organizations, institutions, and personnel;

(9) to conduct evaluation programs which study the effectiveness of new approaches, techniques, systems, programs, and devices employed to improve the corrections system;

(10) to receive from any Federal department or agency such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions. Each such department or agency is authorized to cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information to the Institute;

(11) to arrange with and reimburse the heads of Federal departments and agencies for the use of personnel, facilities, or equipment of such departments and agencies;

(12) to confer with and avail itself of the assistance, services, records, and facilities of State and local governments or other public or private agencies, organizations, or individuals;

(13) to enter into contracts with public or private agencies, organizations, or individuals, for the performance of any of the functions of the Institute; and

(14) to procure the services of experts and consultants in accordance with section 3109 of title 5 of the United States Code, at rates of compensation not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of title 5 of the United States Code.

(b) The Institute shall on or before the 31st day of December of each year submit an annual report for the preceding fiscal year to the President and to the Congress. The report shall include a comprehensive and detailed report of the Institute's operations, activities, financial condition, and accomplishments under this title and may include such recommendations related to corrections as the Institute deems appropriate.

(c) Each recipient of assistance under this shall [1] keep such records as the Institute shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(d) The Institute, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for purposes of audit and examinations to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this chapter.

(e) The provision [2] of this section shall apply to all recipients of assistance under this title, whether by direct grant or contract from the Institute or by subgrant or subcontract from primary grantees or contractors of the Institute.

SEC. 4353. There is hereby authorized to be appropriated such funds as may be required to carry out the purposes of this chapter.

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[1] So in original.
[2] So in original. Apparently should be "provisions".

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Chapter 403.—JUVENILE DELINQUENCY

Sec.
5031. Definitions.
5032. Delinquency proceedings in district courts; transfer for criminal prosecution.
5033. Custody prior to appearance before magistrate.
5034. Duties of magistrate.
5035. Detention prior to disposition.
5036. Speedy trial.
5037. Dispositional hearing.
5038. Use of juvenile records.
5039. Commitment.
5040. Support.
5041. Parole.
5042. Revocation of parole or probation.

§ 5031. Definitions

For the purposes of this chapter, a "juvenile" is a person who has not attained his eighteenth birthday, or for the purpose of proceedings and disposition under this chapter for an alleged act of juvenile delinquency, a person who has not attained his twenty-first birthday, and "juvenile delinquency" is the violation of a law of the United States committed by a person prior to his eighteenth birthday which would have been a crime if committed by an adult.

§ 5032. Delinquency proceedings in district courts; transfer for criminal prosecution

A juvenile alleged to have committed an act of juvenile delinquency shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to an appropriate district court of the United States that the juvenile court or other appropriate court of a State (1) does not have jurisdiction or refuses to assume jurisdiction over said juvenile with respect to such alleged act of juvenile delinquency, or (2) does not have available programs and services adequate for the needs of juveniles.

If the Attorney General does not so certify, such juvenile shall be surrendered to the appropriate legal authorities of such State.

If an alleged juvenile delinquent is not surrendered to the authorities of a State or the District of Columbia pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers of otherwise. The Attorney General shall proceed by information, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless he has requested in writing upon advice of counsel to be proceeded against as an adult, except that, with respect to a juvenile sixteen years and older alleged to have committed an act after his sixteenth birthday which if committed by an adult would be a felony punishable by a maximum penalty of ten years imprisonment or more, life imprisonment, or death, criminal prosecution on the basis of the alleged act

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may be begun by motion to transfer of the Attorney General in the appropriate district court of the United States, if such court finds, after hearing, such transfer would be in the interest of justice.

Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer would be in the interest of justice: the age and social background of the juvenile; the nature of the alleged offense; the extent and nature of the juvenile's prior delinquency record; the juvenile's present intellectual development and psychological maturity; the nature of past treatment efforts and the juvenile's response to such efforts; the availability of programs designed to treat the juvenile's behavioral problems.

Reasonable notice of the transfer hearing shall be given to the juvenile, his parents, guardian, or custodian and to his counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions.

§ 5033. Custody prior to appearance before magistrate

Whenever a juvenile is taken into custody for an alleged act of juvenile delinquency, the arresting officer shall immediately advise such juvenile of his legal rights, in language comprehensive to a juvenile, and shall immediately notify the Attorney General and the juvenile's parents, guardian, or custodian of such custody. The arresting officer shall also notify the parents, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense.

The juvenile shall be taken before a magistrate forthwith. In no event shall the juvenile be detained for longer than a reasonable period of time before being brought before a magistrate.

§ 5034. Duties of magistrate

The magistrate shall insure that the juvenile is represented by counsel before proceeding with critical stages of the proceedings. Counsel shall be assigned to represent a juvenile when the juvenile and his parents, guardian, or custodian are financially unable to obtain adequate representation. In cases where the juvenile and his parents, guardian, or custodian are financially able to obtain adequate representation but have not retained counsel, the magistrate may assign counsel and order the payment of reasonable attorney's fees or may direct the juvenile, his parents, guardian, or custodian to retain private counsel within a specified period of time.

The magistrate may appoint a guardian ad litem if a parent or guardian of the juvenile is not present, or if the magistrate has reason to believe that the parents or guardian will not cooperate with the juvenile in preparing for trial, or that the interests of the parents or guardian and those of the juvenile are adverse.

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If the juvenile has not been discharged before his initial appearance before the magistrate, the magistrate shall release the juvenile to his parents, guardian, custodian, or other responsible party (including, but not limited to, the director of a shelter-care facility [1] upon their promise to bring such juvenile before the appropriate court when requested by such court unless the magistrate determines, after hearing, at which the juvenile is represented by counsel, that the detention of such juvenile is required to secure his timely appearance before the appropriate court or to insure his safety or that of others.

§ 5035. Detention prior to disposition

A juvenile alleged to be delinquent may be detained only in a juvenile facility or such other suitable place as the Attorney General may designate. Whenever possible, detention shall be in a foster home or community based facility located in or near his home community. The Attorney General shall not cause any juvenile alleged to be delinquent to be detained or confined in any institution in which the juvenile has regular contact with adult persons convicted of a crime or awaiting trial on criminal charges. Insofar as possible, alleged delinquents shall be kept separate from adjudicated delinquents. Every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care, including necessary psychiatric, psychological, or other care and treatment.

§ 5036. Speedy trial

If an alleged delinquent who is in detention pending trial is not brought to trial within thirty days from the date upon which such detention was begun, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court, unless the Attorney General shows that additional delay was caused by the juvenile or his counsel, or consented to by the juvenile and his counsel, or would be in the interest of justice in the particular case. Delays attributable solely to court calendar congestion may not be considered in the interest of justice. Except in extraordinary circumstances, an information dismissed under this section may not be reinstituted.

§ 5037. Dispositional hearing

(a) If a juvenile is adjudicated delinquent, a separate dispositional hearing shall be held no later than twenty court days after trial unless the court has ordered further study in accordance with subsection (c). Copies of the presentence report shall be provided to the attorneys for both the juvenile and the Government a reasonable time in advance of the hearing.

(b) The court may suspend the adjudication of delinquency or the disposition of the delinquent on such conditions as it deems proper, place him on probation, or commit him to the custody of the Attorney General. Probation, commitment, or commitment in accordance with subsection (c) shall not extend beyond the juvenile's twenty-first birthday or the maximum term which could have been imposed on an adult convicted of the same offense, whichever is

[1] So in original. Apparently should include a closing parenthesis.

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sooner, unless the juvenile has attained his nineteenth birthday at the time of disposition, in which case probation, commitment, or commitment in accordance with subsection (c) shall not exceed the lesser of two years or the maximum term which could have been imposed on an adult convicted of the same offense.

(c) If the court desires more detailed information concerning an alleged or adjudicated delinquent, it may commit him, after notice and hearing at which the juvenile is represented by counsel, to the custody of the Attorney General for observation and study by an appropriate agency. Such observation and study shall be conducted on an outpatient basis, unless the court determines that inpatient observation and study are necessary to obtain the desired information. In the case of an alleged juvenile delinquent, inpatient study may be ordered only with the consent of the juvenile and his attorney. The agency shall make a complete study of the alleged or adjudicated delinquent to ascertain his personal traits, his capabilities, his background, any previous delinquency or criminal experience, any mental or physical defect, and any other relevant factors. The Attorney General shall submit to the court and the attorneys for the juvenile and the Government the results of the study within thirty days after the commitment of the juvenile, unless the court grants additional time.

§ 5038. Use of juvenile records

(a) Throughout the juvenile delinquency proceeding the court shall safeguard the records from disclosure. Upon the completion of any juvenile delinquency proceeding whether or not there is an adjudication the district court shall order the entire file and record of such proceeding sealed. After such sealing, the court shall not release these records except to the extent necessary to meet the following circumstances:

(1) inquiries received from another court of law;

(2) inquiries from an agency preparing a presentence report for another court;

(3) inquiries from law enforcement agencies where the request for information is related to the investigation of a crime or a position within that agency;

(4) inquiries, in writing, from the director of a treatment agency or the director of a facility to which the juvenile has been committed by the court;

(5) inquiries from an agency considering the person for a position immediately and directly affecting the national security; and

(6) inquiries from any victim of such juvenile delinquency, or if the victim is deceased from the immediate family of such victim, related to the final disposition of such juvenile by the court in accordance with section 5037.

Unless otherwise authorized by this section, information about the sealed record may not be released when the request for information is related to an application for employment, license, bonding, or any civil right or privilege. Responses to such inquiries shall not be different from responses made about persons who have never been involved in a delinquency proceeding.

(b) District courts exercising jurisdiction over any juvenile shall inform the juvenile, and his parent or guardian, in writing in clear

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and nontechnical language, of rights relating to the sealing of his juvenile record.

(c) During the course of any juvenile delinquency proceeding, all information and records relating to the proceeding, which are obtained or prepared in the discharge of an official duty by an employee of the court or an employee of any other governmental agency, shall not be disclosed directly or indirectly to anyone other than the judge, counsel for the juvenile and the government, or others entitled under this section to receive sealed records.

(d) Unless a juvenile who is taken into custody is prosecuted as an adult—

(1) neither the fingerprints nor a photograph shall be taken without the written consent of the judge; and

(2) neither the name nor picture of any juvenile shall be made public by any medium of public information in connection with a juvenile delinquency proceeding.

§ 5039. Commitment

No juvenile committed to the custody of the Attorney General may be placed or retained in an adult jail or correctional institution in which he has regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

Every juvenile who has been committed shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, counseling, education, training, and medical care including necessary psychiatric, psychological, or other care and treatment.

Whenever possible, the Attorney General shall commit a juvenile to a foster home or community-based facility located in or near his home community.

§ 5040. Support

The Attorney General may contract with any public or private agency or individual and such community-based facilities as halfway houses and foster homes for the observation and study and the custody and care of juveniles in his custody. For these purposes, the Attorney General may promulgate such regulations as are necessary and may use the appropriation for "support of United States prisoners" or such other appropriations as he may designate.

§ 5041. Parole

A juvenile delinquent who has been committed may be released on parole at any time under such conditions and regulations as the United States Parole Commission deems proper in accordance with the provisions in section 4206 of this title.

§ 5042. Revocation of parole or probation

Any juvenile parolee or probationer shall be accorded notice and a hearing with counsel before his parole or probation can be revoked.

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C. Provisions of Omnibus Crime Control and Safe Streets Act of 1968, as Amended by the Justice System Improvement Act of 1979, Incorporated by Reference in the "Juvenile Justice Amendments of 1980"

"CONSULTATION; ESTABLISHMENT OF RULES AND REGULATIONS

"SEC. 802. (a) The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, and the National Institute of Justice are authorized, after appropriate consultation with representatives of States and units of local government, to establish such rules, regulations, and procedures as are necessary to the exercise of their functions, and as are consistent with the stated purpose of this title.

"(c) The procedures established to implement the provisions of this title shall minimize paperwork and prevent needless duplication and unnecessary delays in award and expenditure of funds at all levels of government.

"NOTICE AND HEARING ON DENIAL OR TERMINATION OF GRANT

"SEC. 803. (a) Whenever, after reasonable notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code, the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration finds that a recipient of their respective assistance under this title has failed to comply substantially with—

"(1) any provision of this title;

"(2) any regulations or guidelines promulgated under this title; or

"(3) any application submitted in accordance with the provisions of this title, or the provisions of any other applicable Federal Act;

they, until satisfied that there is no longer any such failure to comply, shall—

"(A) terminate payments to the recipient under this title;

"(B) reduce payments to the recipient under this title by an amount equal to the amount of such payments which were not expended in accordance with this title; or

"(C) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply.

"(b) If a State grant application filed under part D or any grant application filed under any other part of this title has been rejected or a State applicant under part D or an applicant under any other part of this title has been denied a grant or has had a grant, or any portion of a grant, discontinued, terminated or has been given a grant in a lesser amount that such applicant believes appropriate under the provisions of this title, the National Institute of Justice, the Bureau of Justice Statistics, or the Law Enforcement Assistance Administration, as appropriate, shall notify the applicant or grantee

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of its action and set forth the reason for the action taken. Whenever such an applicant or grantee requests a hearing, the National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, or any authorized officer thereof, is authorized and directed to hold such hearings or investigations, including hearings on the record in accordance with section 554 of title 5, United States Code, at such times and places as necessary, following appropriate and adequate notice to such applicant; and the findings of fact and determinations made with respect thereto shall be final and conclusive, except as otherwise provided herein.

"(c) If such recipient is dissatisfied with the findings and determinations of the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, following notice and hearing provided for in subsection (a), a request may be made for rehearing, under such regulations and procedures as such Administration, Bureau, or Institute, as the case may be, may establish, and such recipient shall be afforded an opportunity to present such additional information as may be deemed appropriate and pertinent to the matter involved.

"FINALITY OF DETERMINATIONS

"SEC. 804. In carrying out the functions vested by this title in the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, their determinations, findings, and conclusions shall, after reasonable notice and opportunity for a hearing, be final and conclusive upon all applications, except as otherwise provided herein.

"APPELLATE COURT REVIEW

"SEC. 805. (a) If any applicant or recipient is dissatisfied with a final action with respect to section 803, 804, or 815(c)(2)(G) of this part, such applicant or recipient may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such applicant or recipient is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the action. A copy of the petition shall forthwith be transmitted by the petitioner to the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, as appropriate, and the Attorney General of the United States, who shall represent the Federal Government in the litigation. The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, as appropriate, shall thereupon file in the court the record of the proceeding on which the action was based, as provided in section 2112 of title 28, United States Code. No objection to the action shall be considered by the court unless such objection has been urged before the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, as appropriate.

"(b) The court shall have jurisdiction to affirm or modify a final action or to set it aside in whole or in part. The findings of fact by the Office of Justice Assistance, Research, and Statistics, the Law

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Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, if supported by substantial evidence on the record considered as a whole, shall be conclusive, but the court, for good cause shown, may remand the case to the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the National Institute of Justice, or the Bureau of Justice Statistics, to take additional evidence to be made part of the record. The Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, may thereupon make new or modified findings of fact by reason of the new evidence so taken and filed with the court and shall file such modified or new findings along with any recommendations such entity may have for the modification or setting aside of such entity's original action. All new or modified findings shall be conclusive with respect to questions of fact if supported by substantial evidence when the record as a whole is considered.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Office of Justice Assistance, Research, and Statistics, the Law Enforcement Assistance Administration, the Bureau of Justice Statistics, or the National Institute of Justice, or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certifications as provided in section 1254 of title 28, United States Code.

"DELEGATION OF FUNCTIONS

"SEC. 806. The Attorney General, the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may delegate to any of their respective officers or employees such functions as they deem appropriate.

"SUBPENA POWER; AUTHORITY TO HOLD HEARINGS

"SEC. 807. In carrying out their functions, the Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration, and upon authorization, any member thereof or any hearing examiner or administrative law judge assigned to or employed thereby shall have the power to hold hearings and issue subpenas, administer oaths, examine witnesses, and receive evidence at any place in the United States they may designate.

"EMPLOYMENT OF HEARING OFFICERS

"SEC. 810. The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may appoint such officers and employees as shall be necessary to carry out their powers and duties under this title and may appoint such hearing examiners or administrative law judges or request the use of such administrative law judges selected by the Office of Personnel Management pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out their powers and duties under this title.

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"CONSULTATION WITH OTHER FEDERAL, STATE, AND LOCAL OFFICIALS

"SEC. 812. In carrying out the provisions of this title, including the issuance of regulations, the Attorney General, the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration, and the Directors of the National Institute of Justice and the Bureau of Justice Statistics shall consult with other Federal departments and agencies and State and local officials.

"REIMBURSEMENT AUTHORITY

"SEC. 813. (a) The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may arrange with and reimburse the heads of other Federal departments and agencies for the performance of any of their functions under this title.

"(b) The National Institute of Justice, the Bureau of Justice Statistics, the Law Enforcement Assistance Administration, and the Office of Justice Assistance, Research, and Statistics in carrying out their respective functions may use grants, contracts, or cooperative agreements in accordance with the standards established in the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.).

"SERVICES OF EXPERTS AND CONSULTANTS; ADVISORY COMMITTEES

"SEC. 814. (a) The Office of Justice Assistance, Research, and Statistics, the National Institute of Justice, the Bureau of Justice Statistics, and the Law Enforcement Assistance Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, at rates of compensation for individuals not to exceed the daily equivalent of the rate then payable for GS-18 by section 5332 of title 5, United States Code.

"Discrimination prohibition.

"SEC. 815. (c)(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any programs or activity funded in whole or in part with funds made available under this title.

"(2)(A) Whenever there has been—

"(i) receipt of notice of a finding, after notice and opportunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency, to the effect that there has been a pattern or practice of discrimination in violation of paragraph (1); or

"(ii) a determination after an investigation by the Office of Justice Assistance, Research, and Statistics (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of local government to make a documentary submission regarding the allegation of discrimination

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with respect to such program or activity, with funds made available under this title) that a State government or unit of local government is not in compliance with paragraph (1),

the Office of Justice Assistance, Research, and Statistics shall, within ten days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of local government is located, and the chief executive of such unit of local government, that such program or activity has been so found or determined not to be in compliance with paragraph (1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of clause (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5 of title 5, United States Code.

"(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of local government), and by the Office of Justice Assistance, Research, and Statistics. On or prior to the effective date of the agreement, the Office of Justice Assistance, Research, and Statistics shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of local government) shall file semiannual reports with the Office of Justice Assistance, Research, and Statistics detailing the steps taken to comply with the agreement. These reports shall cease to be filed upon the determination of the Office of Justice Assistance, Research, and Statistics that compliance has been secured, or upon the determination by a Federal or State court that such State government or local governmental unit is in compliance with this section. Within fifteen days of receipt of such reports, the Office of Justice Assistance, Research, and Statistics shall send a copy thereof to each such complainant.

"(C) If, at the conclusion of ninety days after notification under subparagraph (A)—

"(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of local government; and

"(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Office of Justice Assistance, Research, and Statistics shall notify the Attorney General that compliance has not been secured and caused to have suspended further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Office of Justice Assistance, Research, and Statistics in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than one hundred and twenty days, or, if there is a hearing under subparagraph (G), not more than thirty days after the conclusion of such hearing, unless there has been an express

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finding by the Office of Justice Assistance, Research, and Statistics, after notice and opportunity for such a hearing, that the recipient is not in compliance with paragraph (1).

"(D) Payment of the suspended funds shall resume only if—

"(i) such State government or unit of local government enters into a compliance agreement approved by the Office of Justice Assistance, Research, and Statistics and the Attorney General in accordance with subparagraph (B);

"(ii) such State government or unit of local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Office of Justice Assistance, Research, and Statistics in the notice pursuant to subparagraph (A), or is found to be in compliance with paragraph (1) by such court; or

"(iii) after a hearing the Office of Justice Assistance, Research, and Statistics pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

"(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within forty-five days after such filing has been granted such preliminary relief with regard to the suspension or payment of funds as may be otherwise available by law, the Office of Justice Assistance, Research, and Statistics shall cause to have suspended further payment of any funds under this title to that specific program or activity alleged by the Attorney General to be in violation of the provisions of this subsection until such time as the court orders resumption of payment.

"(F) Prior to the suspension of funds under subparagraph (C), but within the ninety-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing on the record in accordance with section 554 of title 5, United States Code, in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds under subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (G).

"(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), a State government or unit of local government may request a hearing on the record in accordance with section 554 of title 5, United States Code, which the Office of Justice Assistance, Research, and Statistics shall initiate within sixty days of such request.

"(ii) Within thirty days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the one-hundred-and-twenty-day period referred to in subparagraph (C), the Office of Justice Assistance, Research, and Statistics shall make a finding of

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compliance or noncompliance. If the Office of Justice Assistance, Research, and Statistics makes a finding of noncompliance, the Office of Justice Assistance, Research, and Statistics shall notify the Attorney General in order that the Attorney General may institute a civil action under paragraph (3), cause to have terminated the payment of funds under this title, and, if appropriate, seek repayment of such funds.

"(iii) If the Office of Justice Assistance, Research, and Statistics makes a finding of compliance, payment of the suspended funds shall resume as provided in subparagraph (D).

"(H) Any State government or unit of local government aggrieved by a final determination of the Office of Justice Assistance, Research, and Statistics under subparagraph (G) may appeal such determination as provided in section 805 of this title.

"(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged in or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of such funds made available under this title as the court may deem appropriate, or placing any further such funds in escrow pending the outcome of the litigation.

"(4)(A) Whenever a State government or unit of local government, or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by this subsection, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in an appropriate United States district court or in a State court of general jurisdiction. Administrative remedies shall be deemed to be exhausted upon the expiration of sixty days after the date the administrative complaint was filed with the Office of Justice Assistance, Research, and Statistics or any other administrative enforcement agency, unless within such period there has been a determination by the Office of Justice Assistance, Research, and Statistics or the agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

"(B) In any civil action brought by a private person to enforce compliance with any provision of this subsection, the court may grant to a prevailing plaintiff reasonable attorney fees, unless the court determines that the lawsuit is frivolous, vexatious, brought for harassment purposes, or brought principally for the purpose of gaining attorney fees.

"(C) In any action instituted under this section to enforce compliance with paragraph (1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

"RECORDKEEPING REQUIREMENT

"SEC. 817. (a) Each recipient of funds under this title shall keep such records as the Office of Justice Assistance, Research, and Statistics shall prescribe, including records which fully disclose the

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amount and disposition by such recipient of the funds, the total cost of the project or undertaking for which such funds are used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Office of Justice Assistance, Research, and Statistics or any of its duly authorized representatives, shall have access for purpose of audit and examination of any books, documents, papers, and records of the recipients of funds under this title which in the opinion of the Office of Justice Assistance, Research, and Statistics may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"(c) The Comptroller General of the United States or any of his duly authorized representatives, shall, until the expiration of three years after the completion of the program or project with which the assistance is used, have access for the purpose of audit and examination to any books, documents, papers, and records of recipients of Federal funds under this title which in the opinion of the Comptroller General may be related or pertinent to the grants, contracts, subcontracts, subgrants, or other arrangements referred to under this title.

"CONFIDENTIALITY OF INFORMATION

"SEC. 818. (a) Except as provided by Federal law other than this title, no officer or employee of the Federal Government, and no recipient of assistance under the provisions of this title shall use or reveal any research or statistical information furnished under this title by any person and identifiable to any specific private person for any purpose other than the purpose for which it was obtained in accordance with this title. Such information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings.

"(b) All criminal history information collected, stored, or disseminated through support under this title shall contain, to the maximum extent feasible, disposition as well as arrest data where arrest data is included therein. The collection, storage, and dissemination of such information shall take place under procedures reasonably designed to insure that all such information is kept current therein; the Office of Justice Assistance, Research, and Statistics shall assure that the security and privacy of all information is adequately provided for and that information shall only be used for law enforcement and criminal justice and other lawful purposes. In addition, an individual who believes that criminal history information concerning him contained in an automated system is inaccurate, incomplete, or maintained in violation of this title, shall, upon satisfactory verification of his identity, be entitled to review such information and to obtain a copy of it for the purpose of challenge or correction.

"(d) Any person violating the provisions of this section, or of any rule, regulation, or order issued thereunder, shall be fined not to exceed $10,000, in addition to any other penalty imposed by law.

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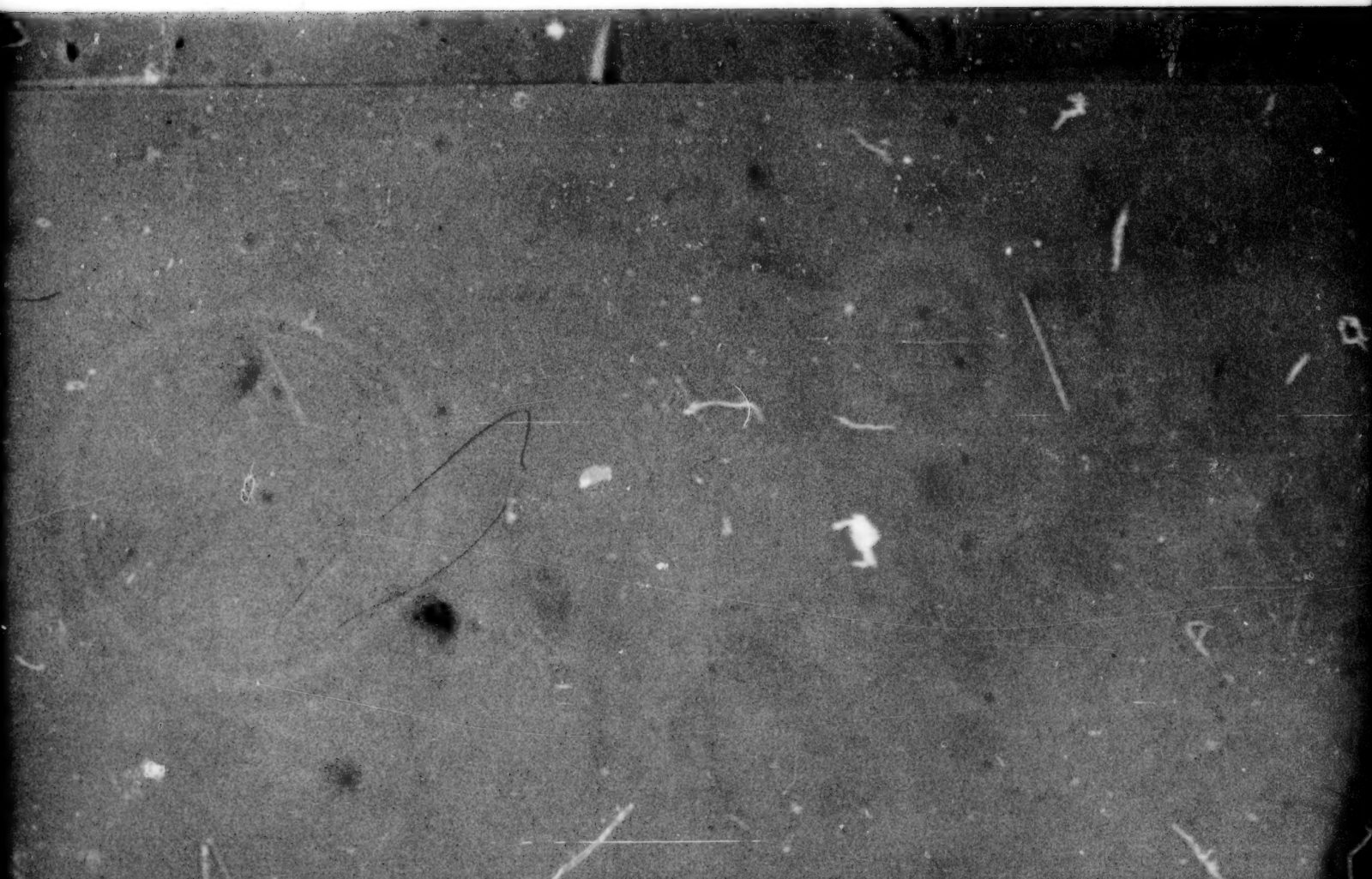

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